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Sixteenth Annual Report on the Work of the Georgia Courts

(July 1, 1988 – June 30, 1989)

Judicial Council of Georgia
Administrative Office of the Courts

Sixteenth Annual Report on the Work of the Georgia Courts FY 1989

(July 1, 1988 – June 30, 1989)

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April 1990

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Administrative Office of the Courts
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Judicial Council of Georgia

April 1990

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Supreme Court
Atlanta

Presiding Justice George T. Smith
Vice Chairman
Supreme Court
Atlanta

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Council of Probate Court Judges
Hinesville

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Council of Superior Court Judges
Macon

Foreword

This *Sixteenth Annual Report on the Work of the Georgia Courts*, prepared by the Administrative Office of the Courts, is issued pursuant to the requirement of Ga. Laws 1973, p. 288, and by Order of the Supreme Court of Georgia dated June 12, 1978.

The constant challenge to the Georgia judiciary is to maintain an efficient, effective judicial system which dispenses equal justice while meeting the needs of a changing society. Our judges' response to this challenge has been, and continues to be, excellent.

Overall, the superior courts have increased case dispositions by 5% while experiencing a 9% rise in filings between 1987 and 1988. These courts saw a 19% jump in felony filings and were able to raise felony dispositions by 12% during the period. On an individual scale, average filings per superior court judge climbed by 150 cases as average dispositions grew by 75 cases.

The superior courts succeeded in dramatically reducing the time it takes to process cases. The average estimated time from filing to disposition was cut by almost half (49%) between 1982 and 1987. These achievements are attributed to more effective methods of case management and calendaring techniques, more productive procedures for court administration, additional judgeships, and the expanded use of computers.

By the end of the 1989 fiscal year, planned improvements were taking place. Due to the installation of personal computers in the offices of superior court clerks, each superior court clerk became part of a statewide network which grants access to the Secretary of State's business corporation records by attorneys, facilitates electronic communication among clerks, and provides word processing and spreadsheet capabilities. The Georgia Commission on Gender Bias in the Judicial System, appointed by former Chief Justice Marshall, formulated objectives and scheduled regional public hearings to investigate discrimination based on sex. The Georgia Indigent Defense Council prepared to operate with an initial appropriation to establish a statewide indigent defense system by assisting with the funding of local programs. The Court of Appeals' appellate settlement conference program was well under way, as was the Georgia Appellate Practice and Educational Resource Center, Inc., which assists with legal representation in appeals by indigent inmates sentenced to death.

These projects and programs are only a few of the improvements sought to administer the Georgia judicial system in such a way as to provide for the speedy and affordable resolution of disputes and prosecutions.

This annual report is presented to inform the Governor, the General Assembly, and the public of judicial branch activities carried out in response to the varied duties and responsibilities with which the courts, their officials, and administrative agencies are charged. Readers are invited to review the following pages to observe ongoing advancements in the administration of justice in Georgia.

Harold G. Clarke
Chairman
Judicial Council of Georgia

Filing and disposition figures included in this report cannot, and should not, be considered a complete measurement of judicial workload borne by any given judge in any given court. While more detailed case types and disposition methods may represent more accurately the amount of judicial time required of judges in processing their caseloads, statistics alone cannot describe the relative contributions by various members of the judiciary in the performance of their official duties, nor are they indicative of the effort a judge has put forth or of the hours spent in performing the duties of office.

For example, a judge might spend a week or more presiding over a felony case in which the death penalty is sought. In that same week another judge might hear dozens of uncontested divorces, traffic cases, or minor civil cases without a jury. In the first example, the judge will dispose of only one case, while the second judge disposes of dozens of cases. Both judges, however, may have expended the same amount of time and effort, and both have performed duties of the office and provided required judicial services for the citizens of Georgia. Therefore, this report should not be used to evaluate or compare judicial performance.

The Courts in Review: FY 1989

Significant innovations at many levels of the state courts made FY 1989 a noteworthy year for Georgia's judges and court officials. Many activities focused on solving problems associated with reducing the processing time and managing the volume of cases within the court system. Other actions revolved around responses to administrative needs, legal requirements, and enhanced services.

In his second annual address to a joint session of the General Assembly in January 1989, Chief Justice Thomas O. Marshall praised the efforts of the judiciary and the legislature to work together to reduce case backlog and improve court services and programs. He acknowledged the success of the judicial branch in establishing new programs and maintaining existing ones that required no increases in state financing. He also called on the legislature to meet some of the judiciary's most pressing administrative and monetary needs. The General Assembly responded positively by funding a statewide computer network, increasing compensation for judicial branch employees, creating additional superior court judgeships, and appropriating funds for new and existing programs.

The legislature approved the creation of six additional superior court judgeships that were recommended by the Judicial Council for the Atlanta, Atlantic, Chattahoochee, Cherokee, Eastern, and Southern judicial circuits. Recommendations for two additional judgeships for the Atlanta and Lookout Mountain circuits were not adopted. However, the expected addition of the new judgeships on July 1, 1989 was delayed pending the outcome of a lawsuit filed in U.S. District Court for the Southern District of Georgia in July 1988. The lawsuit challenges Georgia's "at-large" system of electing judges and seeks to enforce recent federal court rulings in other states that expanded the 1965 Voting Rights Act to include judicial as well as legislative election practices.

Other important legislation included passage of a bill that incorporated provisions of the Federal Family Support Act of 1988, the purpose of which is to make the enforcement of child support payments more equitable and timely. Effective July 1, 1989, the new act made major changes in state law regarding child support matters that are expected to create a significant increase in the workload of superior court judges and clerks. These changes require: that the courts use the child support guidelines prescribed by OCGA §19-6-15 in all cases to determine the final amount of support; administrative reviews every 36 months of orders in which child support payments are to be made to the Office of Child Support Recovery (IV-D cases); and immediate income deductions in IV-D cases by means of continuing garnishment for support.

In other legislation effective July 1, 1989, magistrate and municipal courts were given additional authority in civil and traffic cases, respectively. Magistrate courts were granted additional civil jurisdiction to include claims valued at up to $5,000 (rather than $3,000) and to preside over the execution and acceptance of written waivers of extradition. Another bill authorized municipal courts to try misdemeanor state traffic offenses (except for violations involving homicide by vehicle) and to impose any punishment authorized under state law. This statute applies to all municipal courts regardless of whether a city, county, or state court is located in the county, if the defendant waives a jury trial.

The General Assembly passed several bills involving compensation for judges and other court officials. Effective July 1, 1989, the

salaries of Supreme Court justices were increased 12.4% to $90,514, and Court of Appeals judges received a 12.5% raise to $89,931. Superior court judges received a 2.5% cost of living increase in state pay to $68,838. The legislature also increased the per diem compensation to senior superior court judges providing temporary judicial assistance from $100 to $165. In addition, a new minimum salary schedule for chief magistrates, which includes an average increase of 18%, was adopted and will take effect on January 1, 1990.

Although revenues generated by a state sales tax increase contributed to a 17.2% rise in the state budget, judicial branch appropriations were not dramatically affected. The $52.2 million appropriated by the General Assembly to the judicial branch for FY 1990 amounted to a 9.6% increase over FY 1989 allotments. The share of the judicial branch budget as a percentage of the total state budget fell from 0.74% in FY 1989 to 0.70% in FY 1990.

New judicial branch appropriations included $1 million for first-time funding of the Georgia Indigent Defense Council. At least $950,000 of this amount will reimburse counties and circuits for expenses incurred in providing legal representation to indigent defendants.

By order of the Supreme Court dated March 15, 1989, the Commission on Gender Bias in the Judicial System was established to investigate the existence and scope of gender bias in the state judicial system. Under the leadership of Superior Court Judge Carol W. Hunstein, the commission began to conduct a broad examination of the judicial system in order to prepare findings and make recommendations to the Supreme Court. Public hearings were scheduled throughout the state to gather testimony from private citizens and concerned professionals. Areas of investigation include — but are not limited to — the unequal application of procedural and substantive law, treatment of judicial employees, domestic relations, domestic violence, criminal law, child support and custody, and judicial selection. The commission is comprised of 30 members, including judges, court officials, and community and business leaders.

Applications of computer technology continued to have a positive impact on the judiciary in FY 1989. The implementation of a new superior court clerks' com-

State Appropriations for the Judicial Branch: Fiscal Years 1988, 1989, and 1990

Budget Unit/Agency	FY 1988 Amended Appropriation	FY 1989 Amended Appropriation	Percent Change FY 88-89	FY 1990 General Appropriation	Percent Change FY 89-90
Supreme Court	$3,654,950	$3,900,608	6.7%	$4,210,943	8.0%
Court of Appeals	4,075,070	4,504,874	10.5%	4,775,456	6.0%
Superior Courts (Total)	33,548,469	36,750,463	9.5%	39,445,788	7.3%
Operations	31,956,205	35,030,299	9.6%	37,710,444	7.7%
Council of Superior Court Judges	71,399	73,435	2.9%	85,425	16.3%
Judicial Administrative Districts	735,289	779,477	6.0%	831,207	6.6%
Prosecuting Attorneys' Council	667,787	747,652	12.0%	692,233	-7.4%
Sentence Review Panel	117,789	119,600	1.5%	126,479	5.8%
Juvenile Courts (Total)	289,331	348,408	20.4%	398,760	14.5%
Operations	0	0	--	0	--
Council of Juvenile Court Judges	289,331	348,408	20.4%	398,760	14.5%
Institute of Continuing Judicial Education (Total)	467,268	550,368	17.8%	562,500	2.2%
Operations	376,250	425,506	13.1%	437,000	2.7%
Magistrate Courts Training Council	91,018	124,862	37.2%	125,500	0.5%
Judicial Council (Total)	774,675	1,509,673	94.9%	1,737,304	15.1%
Operations	629,565	665,088	5.6%	716,677	7.8%
Board of Court Reporting	25,110	28,575	13.8%	30,355	6.2%
Case Counting	70,500	71,000	0.7%	73,500	3.5%
Council of Magistrate Court Judges	20,000	26,000	30.0%	26,000	0.0%
Council of Probate Court Judges	20,000	20,000	0.0%	20,000	0.0%
Council of State Court Judges	9,500	10,000	5.3%	10,000	0.0%
Resource Center	0	150,000	--	231,132	54.1%
Computerized Information Network	0	539,010	--	629,640	16.8%
Judicial Qualifications Commission	106,000	109,310	3.1%	112,242	2.7%
Indigent Defense Council	0	0	--	1,000,000	--
Judicial Branch Totals	**$42,915,763**	**$47,673,704**	**11.1%**	**$52,242,993**	**9.6%**

Five-Year Comparison of Judicial Budget (1986-1990)

Fiscal Year	Total State Appropriation	Increase	Judicial Appropriation	Increase	Percent of State Budget
1986	$5,225,947,058	$861,119,383	$36,376,436	$3,334,360	0.70%
1987	5,412,225,000	186,277,942	39,062,133	2,685,697	0.72%
1988	5,936,113,339	523,888,339	42,915,763	3,853,630	0.72%
1989	6,399,179,662	463,066,323	47,673,704	4,757,941	0.74%
1990	7,498,000,000	1,098,820,338	52,242,993	4,569,289	0.70%

puter information network provided electronic access to corporate records in the Secretary of State's office, and it linked clerks with each other by electronic mail through the state network.

In addition to faster and easier communication, the personal computers attached to the network gave each of Georgia's superior courts independent computing power with word-processing and spreadsheet capabilities. The General Assembly provided $539,010 in FY 1989 supplemental appropriations to purchase and install equipment for the new system. Future applications of the network may include links with other state courts and state databases or the creation of new databases to meet the needs of the judicial system.

A study released early in the year by the Administrative Office of the Courts revealed that superior court judges have reduced the estimated average case processing time by almost 50% in the past five years. Estimated time from filing to disposition for cases filed in Georgia's superior courts averaged 10.7 months in FY 1982; by CY 1987 that estimated time had dropped to 5.4 months, a decrease of 49.4%. Several factors contributed to this decline, including the expanded use of specialized computers by the courts, more productive court administration procedures, effective methods of case management, efficient calendaring techniques, and the positive impact of 21 additional judgeships created by the General Assembly that went into effect from FY 1982 through CY 1987.

An FY 1989 study by the Administrative Office of the Courts indicated that the courts' use of computers had increased 168% since the first poll was taken in 1984. The survey revealed that courts in 107 of Georgia's 159 counties use computers for at least some operations. Survey results also showed that courts' computer use is spread throughout the state and is less concentrated in urban areas than it was in the initial survey.

Superior courts reported the most remarkable advances in computer use with a 770% increase in the number of applications performed by their computers since 1984. The average number of applications reported by each county rose from 1.8 to 5.3 during the period. Superior court jury management and record indexing remain the most common uses, and computerized docketing has increased by 10% as a proportion of total programs.

Other positive developments in the past year included the expansion of the Georgia Law Education Diversion Program which has grown from 12 to 33 counties since 1986. The annual, ten-week program uses community volunteers and court professionals to

Judicial Branch Units: FY 1989 Funds Available and Expenditures

	Supreme Court	Court of Appeals	Superior Courts	Council of Juvenile Court Judges	Institute of Continuing Judicial Education	Judicial Council	Judicial Qualifications Commission	Totals
FUNDS AVAILABLE								
General Appropriations	$3,779,608	$4,364,874	$33,973,431	$348,408	$550,368	$970,663	$109,310	$44,096,662
Supplemental Appropriations	121,000	140,000	2,777,032	0	0	539,010	0	3,577,042
Governor's Emergency Funds	15,500	22,000	0	15,000	0	0	0	52,500
Total State Funds	3,916,108	4,526,874	36,750,463	363,408	550,368	1,509,673	109,310	47,726,204
Federal Funds	0	0	353,103	432,877	11,434	7,773	0	805,187
Other Funds	472,218	66,534	740,244	48,262	9,638	41,896	0	1,378,792
Total Funds Available	**$4,388,326**	**$4,593,408**	**$37,843,810**	**$844,547**	**$571,440**	**$1,559,342**	**$109,310**	**$49,910,183**
EXPENDITURES								
Personal Services	$3,160,821	$3,968,260	$35,651,330	$249,666	$0	$583,442	$63,515	$43,677,034
Regular Operating Expenses	463,838	120,280	590,530	388,459	130,748	93,408	14,171	1,801,434
Travel	33,443	22,186	560,394	25,386	0	14,007	2,799	658,215
Equipment Purchases	152,786	73,117	79,626	5,962	0	7,156	0	318,647
Computer Charges	137,865	127,723	43,606	54,818	10,810	569,987	0	944,809
Real Estate Rentals	228,476	184,525	93,446	10,548	0	28,409	968	546,372
Telecommunications	27,788	27,955	33,987	7,116	100	7,068	1,082	105,096
Per Diem, Fees & Contracts	178,079	23,100	632,479	102,514	429,614	244,524	24,673	1,634,983
Total Expenditures	**$4,383,096**	**$4,547,146**	**$37,685,398**	**$844,469**	**$571,272**	**$1,548,001**	**$107,208**	**$49,686,590**

teach juvenile offenders their rights and responsibilities under the law. It is usually combined with, or used as an alternative to, probation. The program, federally funded by a grant from the state's Juvenile Justice Coordinating Council, is designed to reduce recidivism by changing the negative attitudes youth have about the law. Plans were developed to expand the program into other counties by conducting local workshops for court staff.

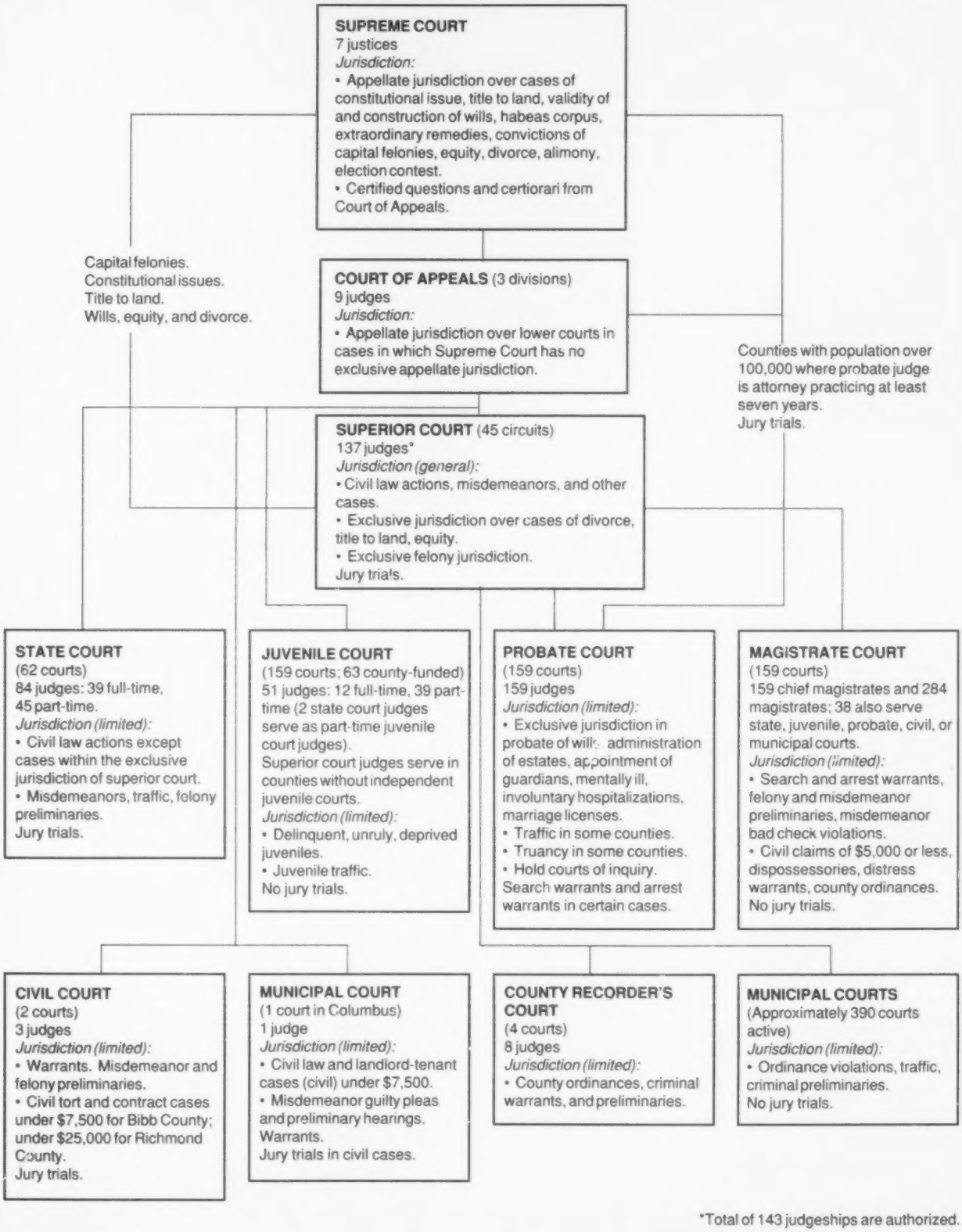
Another program designed to help Georgia's children began in January, when Chief Justice Marshall swore in ten volunteers as Court Appointed Special Advocates (CASA). CASA volunteers work to promote and protect the interests of deprived and delinquent children who are victims of abuse and neglect. Plans to expand the program throughout the state depend on the ability to obtain grants and government funding.

Three years of planning culminated in the summer 1988 opening of the Georgia Appellate Practice and Educational Resource Center, Inc., a joint creation of the Georgia State University College of Law, the State Bar, the Supreme Court of Georgia, the Judicial Council, and the federal courts in Georgia. The center provides assistance with legal representation in post-conviction actions for indigent, death-row inmates. In addition, it has developed continuing legal education programs for attorneys representing defendants in capital cases at both the state and federal levels. Other responsibilities of the center include monitoring all capital punishment litigation in the state, screening and recruiting members of the private bar to handle post-conviction proceedings, and serving as expert resource counsel to assist the volunteers handling these cases. The resource center, one of the first of its kind developed in the United States, receives funds from state, federal, and private sources.

Two ongoing Georgia court programs received gold medals and $10,000 awards from the Foundation for Improvement of Justice in recognition of their work to improve the quality of the justice system. The Council of Juvenile Court Judges' Purchase of Services Program was honored for providing funds to local courts for developing community service and restitution programs as alternatives to institutional treatment.

The Civil Arbitration Program of the Superior Court of Fulton County was also honored for its efforts to promote the speedy resolution of disputes. Begun as a test project in 1986, the program was made permanent by local rule in 1988. The rule requires parties in civil cases involving damages of $25,000 or less to undergo non-binding arbitration before a trained three-member panel. In 1987, 86% of cases assigned to the program were resolved without a trial.

Georgia Court System: July 1, 1989


SUPREME COURT
7 justices
Jurisdiction:
• Appellate jurisdiction over cases of constitutional issue, title to land, validity of and construction of wills, habeas corpus, extraordinary remedies, convictions of capital felonies, equity, divorce, alimony, election contest.
• Certified questions and certiorari from Court of Appeals.
Capital felonies.
Constitutional issues.
Title to land.
Wills, equity, and divorce.
COURT OF APPEALS (3 divisions)
9 judges
Jurisdiction:
• Appellate jurisdiction over lower courts in cases in which Supreme Court has no exclusive appellate jurisdiction.
Counties with population over 100,000 where probate judge is attorney practicing at least seven years.
Jury trials.
SUPERIOR COURT (45 circuits)
137 judges*
Jurisdiction (general):
• Civil law actions, misdemeanors, and other cases.
• Exclusive jurisdiction over cases of divorce, title to land, equity.
• Exclusive felony jurisdiction.
Jury trials.
STATE COURT
(62 courts)
84 judges: 39 full-time, 45 part-time.
Jurisdiction (limited):
• Civil law actions except cases within the exclusive jurisdiction of superior court.
• Misdemeanors, traffic, felony preliminaries.
Jury trials.
JUVENILE COURT
(159 courts; 63 county-funded)
51 judges: 12 full-time, 39 part-time (2 state court judges serve as part-time juvenile court judges).
Superior court judges serve in counties without independent juvenile courts.
Jurisdiction (limited):
• Delinquent, unruly, deprived juveniles.
• Juvenile traffic.
No jury trials.
PROBATE COURT
(159 courts)
159 judges
Jurisdiction (limited):
• Exclusive jurisdiction in probate of wills, administration of estates, appointment of guardians, mentally ill, involuntary hospitalizations, marriage licenses.
• Traffic in some counties.
• Truancy in some counties.
• Hold courts of inquiry.
Search warrants and arrest warrants in certain cases.
MAGISTRATE COURT
(159 courts)
159 chief magistrates and 284 magistrates; 38 also serve state, juvenile, probate, civil, or municipal courts.
Jurisdiction (limited):
• Search and arrest warrants, felony and misdemeanor preliminaries, misdemeanor bad check violations.
• Civil claims of $5,000 or less, dispossessories, distress warrants, county ordinances.
No jury trials.
CIVIL COURT
(2 courts)
3 judges
Jurisdiction (limited):
• Warrants. Misdemeanor and felony preliminaries.
• Civil tort and contract cases under $7,500 for Bibb County; under $25,000 for Richmond County.
Jury trials.
MUNICIPAL COURT
(1 court in Columbus)
1 judge
Jurisdiction (limited):
• Civil law and landlord-tenant cases (civil) under $7,500.
• Misdemeanor guilty pleas and preliminary hearings.
Warrants.
Jury trials in civil cases.
COUNTY RECORDER'S COURT
(4 courts)
8 judges
Jurisdiction (limited):
• County ordinances, criminal warrants, and preliminaries.
MUNICIPAL COURTS
(Approximately 390 courts active)
Jurisdiction (limited):
• Ordinance violations, traffic, criminal preliminaries.
No jury trials.

*Total of 143 judgeships are authorized.

Supreme Court

The Constitution of Georgia gives the Supreme Court exclusive appellate jurisdiction in cases involving the construction of a treaty or of the Constitution of the State of Georgia or of the United States; the constitutionality of a law, ordinance or constitutional provision; and election contests.

The state constitution provides that, unless otherwise provided by law, the court shall have jurisdiction of all cases involving title to land, equity, wills, habeas corpus, extraordinary remedies (mandamus, prohibition, quo warranto, etc.), divorce and alimony, and all cases in which a sentence of death was imposed or could be imposed.

The Supreme Court also is authorized to review by certiorari cases from the Court of Appeals and to answer questions of law from any state or federal appellate court.

The court has three terms of court each year, beginning in January, April, and September. Oral arguments are heard each month, except in August and December. Cases are assigned in rotation to the justices.

The seven justices serving on the court are elected to staggered six-year terms in statewide, nonpartisan elections. A vacancy on the court is filled by gubernatorial appointment to complete the unexpired term.

The justices elect from among themselves a chief justice and a presiding justice for four-year terms, who handle administrative matters for the court. The chief justice serves as chairman and the presiding justice serves as vice chairman of the state's Judicial Council.

A court-appointed clerk, along with clerical assistants, provides support for the court in calendaring and caseload and records management. The court also appoints an official reporter of decisions, who publishes the opinions of the Supreme Court and Court of Appeals.

Although the court nearly always hears cases in Atlanta, it occasionally schedules sessions at other locations in the state such as at law schools in order to educate students in court operations. In June of 1989, the court held a one-day session at the city hall in Savannah.

The Supreme Court has authority to promulgate orders needed to carry out its functions. By these orders the court has directed several agencies to assist it in administrative matters. Among these are the Institute of Continuing Judicial Education, the Judicial Council/Administrative Office of the Courts, the State Bar of Georgia, and the Office of Bar Admissions.

The Supreme Court's caseload for calendar years 1987 and 1988 is shown on the next page.

Supreme Court Caseload: 1987 and 1988 (Docket entries)

Filed	1987	1988
Direct appeals (Final)	538	562
Petitions for certiorari	540	598
Habeas corpus applications	203	171
Applications for discretionary appeal	183	165
Applications for interlocutory appeal	58	32
Attorney discipline	72	48
Original petitions/Motions	22	32
Cross appeals	14	16
Certified questions	8	3
Bar admissions	5	10
Judicial discipline	2	0
Other	1	0
TOTAL	**1,646**	**1,637**

Disposed	1987	1988
By opinion	377	348
Affirmed without opinion (Rule 59)	131	121
Petitions for certiorari		
Denied	471	461
Granted	72	74
Dismissed	3	0
Habeas corpus applications		
Denied	145	138
Granted	5	11
Dismissed	6	2
Remanded	4	3
Withdrawn	3	1
Dismissed without prejudice	1	3
Dismissed as moot	0	2
Denied without prejudice	1	0
Stricken and entered on general docket	0	1
Vacated and remanded	0	1
Discretionary applications		
Denied	128	128
Granted	38	42
Transferred to Court of Appeals	6	4
Dismissed	2	0
Dismissed without prejudice	2	0
Withdrawn	2	2
Denied with direction	1	0
Interlocutory applications		
Denied	29	23
Granted	0	15
Dismissed	0	3
Transferred to Court of Appeals	1	0
Original petitions/Motions		
Denied	6	10
Granted	4	4
Dismissed	6	11
Dismissed without prejudice	6	4
Attorney and judicial disciplinary/ Bar admissions decided by order	45	52
Other		
Transferred to Court of Appeals by order	31	44
Dismissed by order [a]	46	58
Remanded by order	3	8
Withdrawn	42	23
Vacated by order	14	7
Stricken from docket	3	4
Certiorari granted, application granted, notice of appeal	5	6
Removal from docket to await completion of record	0	1
TOTAL [b]	**1,639**	**1,615** [c]

[a] Includes dismissed without prejudice and dismissed as moot.

[b] Companion cases were counted as one case in arriving at total.

[c] Total includes figures from several categories not applicable to the 1988 study.

Court of Appeals

Following approval of a constitutional amendment in 1906, the Court of Appeals was created in 1907 to alleviate some of the considerable caseload burden from the Supreme Court. Recent studies have shown that this court has become one of the busiest appellate courts in the United States.

The Court of Appeals retains statewide appellate jurisdiction from superior, state, and juvenile courts in all cases where exclusive jurisdiction is not reserved to the Supreme Court. Such cases include civil claims for damages, child custody cases, cases involving workers' compensation, and criminal cases other than capital felonies. The court may also certify legal questions to the Supreme Court, but certification is rarely used.

The court consists of nine judges who serve on three panels of three judges each. Under the court's rules, the chief judge is elected for a two-year term, usually upon the basis of seniority of tenure on the court. The chief judge is responsible for the administration of the court and together with the presiding judges forms the executive council. The chief judge appoints the three presiding judges who head each panel. All other judges rotate annually among the three panels.

Any decision rendered by a panel is final unless a single judge dissents, whereupon the case is considered by all nine judges. If, after the full court hears a case, the judges are equally divided as to the verdict, the case is transferred to the Supreme Court.

The judges of the Court of Appeals are elected to staggered, six-year terms in statewide, nonpartisan elections. A candidate for judgeship must have been a practicing attorney for at least seven years prior to assuming office. In the event of a vacancy on the court during a judge's term, the governor appoints a successor to complete the unexpired term.

The court has three annual terms, which begin in September, January, and April, in Atlanta. The constitution provides that all cases shall be decided no later than the term following the term in which a case is docketed (the "two term" rule) or the case shall be affirmed by operation of law. In the history of the Court of Appeals, no case has been affirmed by operation of law.

Court of Appeals filings and dispositions for calendar years 1987 and 1988 are compared in the table below.

Court of Appeals Caseload: 1987 and 1988 (Docket entries)

Filed	1987	1988
Appeals	2,071	2,306
Discretionary applications	342	356
Interlocutory applications	391	361
Total	**2,804**	**3,023**

Disposed	1987	1988
By opinion	1,667	1,724
By order	294	262
Discretionary applications	377	337
Interlocutory applications	324	346
Total	**2,662**	**2,669**

Superior Courts

As Georgia's general jurisdiction trial court, the superior court has exclusive, constitutional authority to preside over felony cases (except those involving juvenile offenders, in which jurisdiction is shared with the juvenile court) and cases regarding title to land, divorce, and equity. The superior court also has exclusive statutory jurisdiction in such matters as declaratory judgments, habeas corpus, mandamus, quo warranto, and prohibition.

With the exception of certain probate and juvenile matters, the superior court may exercise concurrent jurisdiction over other cases with the limited jurisdiction courts located in the same county. In addition, the superior courts are authorized to correct errors made by lower courts by issuing writs of certiorari, and for some lower courts, the right to direct review by the superior court applies.

Located in each of the state's 159 counties, superior courts are organized by judicial circuits, or groups of counties. The 45 circuits vary in size and population, as well as in the number of judges serving them. From one to eight counties comprise the circuits, with the single-county circuits generally located in or near the several large metropolitan areas of the state (see map of Georgia on page 4).

The number of superior court judges per circuit ranges from one judge in two circuits (Appalachian and Rockdale) to 13 judges in the Atlanta Judicial Circuit. A chief judge, who in most cases attains the position through seniority, handles the administrative tasks for each circuit.

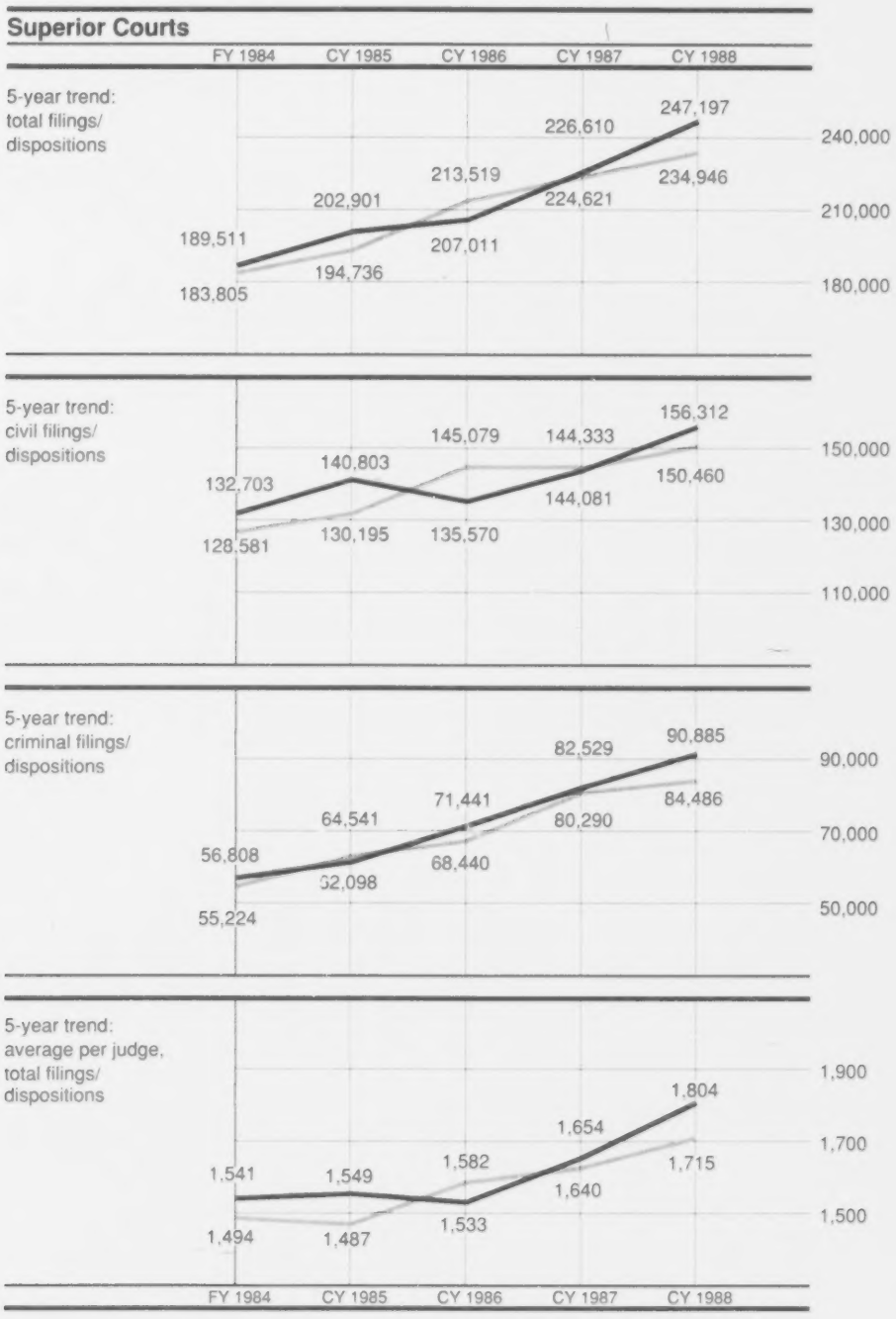
For purposes of administration, the superior courts are grouped into ten administrative districts with boundaries that roughly correspond to those of Georgia's U. S. congressional districts. An administrative judge, who is elected to two-year terms by the superior court judges of each district, performs executive functions in the district and is assisted by a district court administrator who provides technical assistance for the courts. Administrative judges have statutory authority to use caseload data and other information for management purposes and to assign superior court judges, with their approval, to serve temporarily in other counties and circuits as they are needed.

Superior court judges are elected to four-year terms in nonpartisan, circuitwide races. To qualify as a superior court judge, a candidate must be at least 30 years old, a citizen of Georgia for at least three years, and have been authorized to practice law for at least seven years. Senior superior court judges, who have retired from the bench and attained senior status, may hear cases in any circuit at the request of the local judges or an administrative judge. All judges must fulfill a 12-hour annual continuing education requirement.

As of June 30, 1989, there were 137 judges in Georgia's 159 superior courts. Six additional judgeships, one each for the Atlanta, Atlantic, Chattahoochee, Cherokee, Eastern, and Southern judicial circuits, were created by the 1989 General Assembly.

Recent caseload data for the superior courts is presented on page 11. The four graphs depict total, civil, criminal, and average filings and dispositions for fiscal year 1984, and for calendar years 1985-1988. CY 1988 total superior court caseload by circuit and case type is presented in the table on pages 12 and 13.

Superior Courts



Filings

Dispositions

CY 1988 Superior Court Caseload (Docket entries)

Circuit	Total Criminal		Felony		Misdemeanor		Probation Revocation **	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Alapaha	3,416	3,185	1,141	1,041	2,173	2,042	102	102
Alcovy	3,383	3,158	1,292	1,128	1,665	1,615	426	415
Appalachian	935	876	334	277	456	454	145	145
Atlanta	10,141	10,266	8,690	8,818	23	20	1,428	1,428
Atlantic	3,095	3,032	733	672	2,185	2,180	177	180
Augusta	2,677	1,905	2,048	1,338	515	460	111	107
Blue Ridge	931	803	615	493	30	24	286	286
Brunswick	2,040	1,840	1,661	1,392	224	293	155	155
Chattahoochee	2,546	2,254	1,724	1,444	617	605	205	205
Cherokee	1,917	1,568	794	562	546	438	577	568
Clayton	1,847	1,740	1,334	1,235	105	97	408	408
Cobb	3,852	4,121	2,948	3,136	272	385	631	600
Conasauga	1,884	1,612	788	627	914	802	182	183
Cordele	1,114	897	675	508	321	271	118	118
Coweta	1,976	1,974	1,405	1,404	314	313	257	257
Dougherty	1,208	1,059	1,098	942	0	7	110	110
Douglas	1,634	1,361	673	528	715	593	246	240
Dublin	1,048	818	390	251	338	247	320	320
Eastern	2,634	2,407	2,286	2,031	0	0	348	376
Flint	1,445	1,186	606	458	682	571	157	157
Griffin	1,962	1,927	1,076	992	747	796	139	139
Gwinnett	1,836	1,488	1,704	1,356	57	57	75	75
Houston	964	826	450	313	78	77	436	436
Lookout Mountain	2,380	2,501	958	933	1,256	1,338	166	230
Macon	2,398	2,404	1,665	1,654	88	105	645	645
Middle	1,006	701	777	483	28	17	201	201
Mountain	844	703	511	416	274	228	59	59
Northeastern	2,326	1,969	992	753	1,026	901	308	315
Northern	1,200	1,061	634	543	300	252	266	266
Ocmulgee	2,999	3,008	1,293	1,172	1,605	1,735	101	101
Oconee	1,008	848	467	354	383	336	158	158
Ogeechee	1,125	1,252	861	998	12	12	252	242
Pataula	1,052	891	483	452	473	343	96	96
Piedmont	948	925	482	451	355	365	111	109
Rockdale	517	550	319	300	32	74	166	176
Rome	1,996	2,034	520	474	1,145	1,242	331	318
South Georgia	900	948	550	539	69	61	280	348
Southern	1,875	1,821	1,395	1,349	353	338	127	134
Southwestern	1,538	1,494	728	698	338	325	472	471
Stone Mountain	5,194	4,428	3,941	3,175	0	0	1,253	1,253
Tallapoosa	1,561	1,615	468	442	869	942	224	231
Tifton	1,380	1,192	684	559	531	477	165	156
Toombs	1,331	1,295	360	365	854	817	117	113
Waycross	1,746	1,572	731	566	582	579	433	427
Western	1,076	971	700	589	53	59	323	323
TOTALS	90,885	84,486	53,984	48,211	23,603	22,893	13,293	13,382
AVERAGE PER JUDGE*	663	617	394	352	172	167	97	98

*Based on 137 superior court judges.
** Probation revocations were not included as a criminal case type prior to 1988.

CY 1988 Superior Court Caseload (Docket entries)

Total Civil		General Civil		Domestic Relations		Total Caseload		Total Open
Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Caseload
1,663	1,395	889	702	774	693	5,079	4,580	2,349
2,782	2,994	1,183	1,289	1,599	1,705	6,165	6,152	2,682
1,240	1,171	492	472	748	699	2,175	2,047	1,399
11,538	12,228	3,827	4,206	7,711	8,022	21,679	22,494	5,681
3,368	3,138	1,134	1,060	2,234	2,078	6,463	6,170	1,255
7,412	7,051	1,720	1,411	5,692	5,640	10,089	8,956	6,247
2,576	2,498	745	741	1,831	1,757	3,507	3,301	1,795
4,220	3,604	1,794	1,425	2,426	2,179	6,260	5,444	4,639
5,959	5,956	1,596	1,567	4,363	4,389	8,505	8,210	3,210
2,949	3,159	1,223	1,353	1,726	1,806	4,866	4,727	2,508
3,433	3,216	681	601	2,752	2,615	5,280	4,956	2,536
8,432	11,390	1,836	4,111	6,596	7,279	12,284	15,511	4,747
4,126	2,773	1,585	1,016	2,541	1,757	6,010	4,385	3,319
1,804	1,294	752	509	1,052	785	2,918	2,191	1,309
4,633	4,400	1,567	1,529	3,066	2,871	6,609	6,374	3,093
2,105	1,936	733	622	1,372	1,314	3,313	2,995	1,963
2,346	1,925	1,407	1,099	939	826	3,980	3,286	3,503
2,260	1,872	858	619	1,402	1,253	3,308	2,690	1,100
5,143	5,019	1,936	1,819	3,207	3,200	7,777	7,426	4,168
3,372	2,745	1,668	1,268	1,704	1,477	4,817	3,931	3,761
4,697	3,881	2,128	1,446	2,569	2,435	6,659	5,808	3,550
6,316	5,298	1,906	1,733	4,410	3,565	8,152	6,786	2,600
1,950	1,850	647	577	1,303	1,273	2,914	2,676	1,272
3,825	3,935	962	975	2,863	2,960	6,205	6,436	2,769
4,355	3,824	1,526	1,337	2,829	2,487	6,753	6,228	3,032
2,353	1,754	908	643	1,445	1,111	3,359	2,455	2,234
1,856	1,986	745	605	1,111	1,381	2,700	2,689	1,194
2,856	2,601	1,568	946	1,288	1,655	5,182	4,570	2,914
1,735	2,077	726	916	1,009	1,161	2,935	3,138	1,537
3,663	3,128	1,842	1,842	1,821	1,286	6,662	6,136	2,552
1,550	1,201	829	584	721	617	2,558	2,049	930
2,184	2,475	626	849	1,558	1,626	3,309	3,727	391
1,481	1,351	527	496	954	855	2,533	2,242	1,351
1,888	1,798	760	686	1,128	1,112	2,836	2,723	1,454
1,760	1,777	1,185	984	575	793	2,277	2,327	978
2,362	2,321	953	1,002	1,409	1,319	4,358	4,355	2,344
3,034	2,982	740	703	2,294	2,279	3,934	3,930	1,172
4,293	3,804	1,582	1,350	2,711	2,454	6,168	5,625	2,591
2,108	2,100	967	923	1,141	1,177	3,646	3,594	953
10,044	10,447	2,026	2,391	8,018	8,056	15,238	14,875	7,290
2,708	2,812	1,529	1,541	1,179	1,271	4,269	4,427	2,677
1,973	1,773	680	618	1,293	1,155	3,353	2,965	2,315
1,179	1,158	508	449	671	709	2,510	2,453	1,206
2,829	2,626	1,349	1,144	1,480	1,482	4,575	4,198	1,909
1,952	1,737	815	692	1,137	1,045	3,028	2,708	1,713
156,312	150,460	55,660	52,851	100,652	97,609	247,197	234,946	114,192
1,141	1,098	406	386	735	712	1,804	1,715	834

State Courts

A 1970 legislative act established Georgia's state court system by designating as such certain existing countywide courts of limited jurisdiction. In counties where they are located, these courts may exercise jurisdiction over all misdemeanor violations, including traffic cases, and all civil actions, regardless of the amount claimed, unless the superior court has exclusive jurisdiction.

State courts are authorized by statute to hold hearings regarding applications for and issuance of search and arrest warrants and to hold preliminary hearings. These courts may also punish contempt by imposing a fine of up to $500 and/or a sentence of up to 20 days in jail. The Georgia Constitution grants state courts the authority to review lower court decisions, if this power is provided by statute. Specified in the Uniform Rules for State Courts, procedures in the state courts generally parallel those of the superior courts.

The General Assembly may create new state courts by local act in counties where none exists. In the same manner, the legislature also establishes the number of judges to preside in state courts and whether the judges are to be full or part-time. Part-time judges are permitted to practice law, except in their own courts.

In fiscal year 1989, 62 state courts operated in 63 counties. Georgia's only multi-county state court serves Cherokee and Forsyth counties. Of the 84 judges presiding, 39 were full-time and 45 were part-time.

State court judges are elected to four-year terms in nonpartisan, countywide elections. Candidates must be at least 25 years old, have practiced law for at least five years, and have lived in the county for at least three years. If a vacancy occurs in a state court judgeship, the governor may fill the office by appointment.

CY 1988 filings and dispositions are listed in the table below for 24 counties that voluntarily submitted caseload data.

CY 1988 State Court Caseload [a]

County	Misdemeanor Filed	Misdemeanor Disposed	Traffic Filed	Traffic Disposed	Civil Filed	Civil Disposed	Total Caseload Filed	Total Caseload Disposed
Bibb	5,509	5,474	2,864	2,803	590	545	8,963	8,822
Carroll	394	429	5,114	3,972	571	191	6,079	4,592
Chatham	2,248	1,841	2,075	1,699	5,218	4,571	9,541	8,111
Cherokee/Forsyth	3,984	3,757	9,692	8,983	1,429	1,043	15,105	13,783
Clarke [b]	2,548	N/A	6,224	N/A	387	N/A	9,159	N/A
Cobb	5,404	5,041	61,225	59,079	27,130	23,777	93,759	87,897
Colquitt	869	727	1,449	1,243	87	55	2,405	2,025
Coweta	758	961	3,973	3,718	475	360	5,206	5,039
DeKalb	7,175	5,649	7,215	8,239	71,914	62,577	86,304	76,465
Fulton	20,557	15,608	9,985	6,330	46,609	21,899	77,151	43,837
Gwinnett	2,601	1,828	1,610	1,050	5,100	5,006	9,311	7,884
Habersham	745	684	1,216	1,364	98	59	2,059	2,107
Houston	1,554	1,449	10,961	10,754	1,235	984	13,750	13,187
Jackson	366	351	4,906	4,861	68	29	5,340	5,241
Lowndes [c]	2,874	2,861	8,941	9,165	N/A	N/A	N/A	N/A
Miller [d]	54	54	404	404	0	1	458	459
Muscogee	2,390	1,395	2,665	1,558	349	24	5,404	2,977
Richmond	3,583	1,859	5,775	3,474	659	322	10,017	5,655
Spalding [e]	711	553	2,804	2,481	242	167	3,757	3,201
Sumter	1,068	961	1,286	1,286	71	53	2,425	2,300
Tift	1,758	1,510	7,234	6,332	264	198	9,256	8,040
Treutlen	123	123	4,112	4,112	12	4	4,247	4,239
Washington	401	383	741	677	16	8	1,158	1,068
Worth	298	231	2,594	2,291	110	22	3,002	2,544

[a] Criminal caseloads equal the number of defendants; civil caseload equals number of docket entries.
[b] Dispositions not reported.
[c] Civil caseload data not submitted.
[d] Figures for the first half of CY 1988 only.
[e] Criminal dispositions estimated for the first half of CY 1988.

Juvenile Courts

The express purpose of Georgia's juvenile courts is to protect the well-being of children, to provide guidance and control conducive to a child's welfare and the best interests of the state, and to secure as nearly as possible care equivalent to parental care for a child removed from the home.

The juvenile court's exclusive original jurisdiction extends to cases involving delinquent and unruly children under the age of 17 and deprived children under the age of 18. Juvenile courts have concurrent jurisdiction with superior courts in cases involving capital felonies, custody and child support cases, and in proceedings conducted to terminate parental rights. The superior court has the authority to preside over adoption proceedings.

These courts administer supervision and probation cases for those persons under 21 who were sentenced for an offense committed before age 17. In addition, the juvenile court has jurisdiction over cases involving enlistment in the military services and consent to marriage for minors and cases that fall under the Interstate Compact on Juveniles.

Cases appealed from the juvenile courts may be heard by the Court of Appeals or the Supreme Court, depending on the specific matter.

In 1982, the General Assembly enacted OCGA §15-11-3 to authorize a circuit-based juvenile court system and specify state salary supplements for circuits establishing judgeships on that geographical basis. However, since the legislature has not yet appropriated funds to implement this act, the state's 11 full-time and 40 part-time juvenile court judges who serve in the 63 separate juvenile courts continue to be funded by the individual counties.

In counties or circuits with no separate juvenile court judge, superior court judges hear juvenile cases. Thirty referees, who must be admitted to the state bar or have graduated from law school, serve in 34 counties to assist the juvenile or superior court judge with handling cases. Like the other trial courts, juvenile courts adhere to a set of uniform rules concerning procedures.

Juvenile court judges are appointed by superior court judges of the circuit for a four-year term. One exception is that the juvenile court judge of Floyd County is elected. Judges must be at least 30 years of age, have practiced law for five years, and have lived in Georgia for three years. Full-time judges cannot practice law while holding office. State law requires that juvenile court judges participate in one annual continuing education seminar sponsored by the Council of Juvenile Court Judges in conjunction with the Institute of Continuing Judicial Education.

Juvenile court caseload for CY 1988 is presented by county in the table on pages 16-18.

CY 1988 Juvenile Court Caseload (Number of children)

County	Delinquent		Unruly		Traffic		Deprived		Special Proceedings		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Appling	124	98	21	16	23	22	22	20	2	2	192	158
Atkinson	11	9	3	0	8	3	15	13	0	0	37	25
Bacon	14	6	0	0	0	0	24	14	0	0	38	20
Baker	1	0	2	2	0	0	5	4	1	1	9	7
Baldwin	188	185	11	11	22	22	110	107	5	5	336	330
Banks	11	6	3	2	7	7	5	5	0	0	26	20
Barrow	82	69	17	16	13	12	54	51	21	19	187	167
Bartow	281	214	86	69	192	173	154	113	130	102	843	671
Ben Hill	40	8	0	0	1	1	3	2	1	0	45	11
Berrien	71	58	37	29	4	3	26	16	3	2	141	108
Bibb	913	745	163	142	315	314	122	73	403	235	1,916	1,509
Bleckley	10	9	3	2	2	2	11	10	3	3	29	26
Brantley	17	9	1	1	0	0	25	19	8	8	51	37
Brooks	70	45	23	12	6	2	22	17	4	0	125	76
Bryan	94	66	44	32	8	6	22	19	6	1	174	124
Bulloch	96	74	13	13	23	19	24	20	4	1	160	127
Burke	103	96	4	4	14	13	38	38	11	10	170	161
Butts	75	57	16	15	11	8	32	18	7	5	141	103
Calhoun	4	3	1	1	2	2	7	7	6	5	20	18
Camden	187	169	131	119	13	13	88	72	65	61	484	434
Candler	7	5	2	2	0	0	11	6	1	1	21	14
Carroll	316	293	246	151	190	183	121	109	6	0	879	736
Catoosa	172	165	19	19	81	80	87	72	1	1	360	337
Charlton	18	9	8	5	0	0	8	8	1	1	35	23
Chatham	1,095	738	339	252	623	53	577	347	67	18	2,701	1,408
Chattahoochee	21	21	0	0	0	0	4	4	2	2	27	27
Chattooga	53	48	16	16	49	48	3	3	3	3	124	118
Cherokee	292	224	125	94	212	188	140	112	55	41	824	659
Clarke	516	505	122	120	85	85	197	197	16	16	936	923
Clay	9	8	2	2	1	1	16	16	3	3	31	30
Clayton	980	634	354	241	906	584	476	358	150	118	2,866	1,935
Clinch	5	4	2	2	0	0	19	17	3	3	29	26
Cobb	1,651	1,318	732	607	1,386	1,195	460	382	217	195	4,446	3,697
Coffee	96	84	25	22	66	66	29	1	4	3	220	176
Colquitt	208	170	38	33	22	19	73	51	1	1	342	274
Columbia	226	209	48	47	140	133	15	11	27	24	456	424
Cook	74	71	20	19	3	3	11	4	2	2	110	99
Coweta	211	210	162	156	119	118	128	128	15	15	635	627
Crawford	20	14	3	3	4	4	7	7	2	1	36	29
Crisp	73	61	11	11	14	14	59	50	14	11	171	147
Dade	35	31	19	18	3	1	22	17	2	2	81	69
Dawson	21	14	6	4	1	0	7	7	7	3	42	28
Decatur	137	119	18	14	35	34	51	40	5	5	246	212
DeKalb	3,073	1,111	1,168	519	1,288	548	920	403	257	81	6,706	2,662
Dodge	56	17	9	4	20	10	3	0	2	0	90	31
Dooly	14	4	0	0	0	0	21	9	3	3	38	16
Dougherty	908	867	121	117	197	190	110	110	75	68	1,411	1,352
Douglas	416	410	184	182	16	16	109	103	74	70	799	781
Early	50	43	11	9	8	6	6	6	2	2	77	66
Echols	1	1	2	2	0	0	2	2	2	2	7	7
Effingham	98	91	35	35	15	14	18	16	10	6	176	162
Elbert	50	47	5	1	16	16	11	10	2	2	84	76
Emanuel	41	41	7	7	3	3	34	34	0	0	85	85
Evans	48	30	28	21	7	6	16	10	3	2	102	69
Fannin	20	18	3	3	1	1	9	4	0	0	33	26
Fayette	165	162	95	95	141	140	38	38	24	23	463	458
Floyd	379	197	232	130	361	258	169	109	37	20	1,178	714
Forsyth	124	98	31	18	110	93	39	19	21	15	325	243
Franklin	46	36	6	3	19	17	18	9	4	2	93	67
Fulton	5,428	3,138	1,321	798	1,334	1,071	1,114	523	458	223	9,655	5,753
Gilmer	33	23	10	5	3	1	12	8	0	0	58	37
Glascock	1	1	0	0	4	4	0	0	0	0	5	5
Glynn	416	409	163	161	108	104	66	66	16	16	769	756
Gordon	188	153	150	137	5	5	145	129	23	23	511	447
Grady	62	59	15	13	7	7	18	10	2	2	104	91

CY 1988 Juvenile Court Caseload (Number of children)

County	Delinquent		Unruly		Traffic		Deprived		Special Proceedings		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Greene	17	15	3	3	13	10	0	0	3	3	36	31
Gwinnett	1,201	1,129	564	518	1,083	1,041	395	368	225	216	3,468	3,272
Habersham	24	15	6	4	37	36	61	47	3	3	131	105
Hall	313	304	205	203	260	259	134	115	56	55	968	936
Hancock	12	3	0	0	0	0	7	7	2	1	21	11
Haralson	41	37	4	4	6	6	33	26	15	14	99	87
Harris	32	20	4	4	13	12	5	3	10	7	64	46
Hart	75	73	4	4	20	19	14	0	15	15	128	111
Heard	17	15	0	0	1	1	13	13	7	5	38	34
Henry	252	249	95	95	111	110	36	30	65	62	559	546
Houston	359	256	321	258	375	342	294	251	77	56	1,426	1,163
Irwin	11	10	3	3	2	2	8	2	2	2	26	19
Jackson	78	62	7	5	9	6	58	50	0	0	152	123
Jasper	18	17	0	0	3	3	28	20	1	1	50	41
Jeff Davis	48	45	21	17	21	17	13	12	2	2	105	93
Jefferson	58	36	1	0	1	1	26	21	1	1	87	59
Jenkins	18	5	1	1	3	2	9	8	11	11	42	27
Johnson	17	16	3	3	3	3	5	3	5	5	33	30
Jones	35	34	7	7	60	60	6	5	0	0	108	106
Lamar	59	46	33	27	23	20	12	11	11	9	138	113
Lanier	26	20	0	0	0	0	10	6	0	0	36	26
Laurens	203	198	125	124	75	75	94	30	11	8	508	435
Lee	73	70	14	13	23	21	10	10	22	19	142	133
Liberty	207	185	77	74	43	41	39	29	0	0	366	329
Lincoln	6	10	3	3	9	16	14	14	0	0	32	43
Long	10	6	4	2	4	1	30	0	6	2	54	11
Lowndes	262	227	77	52	92	70	58	48	14	13	503	410
Lumpkin	3	2	6	1	1	0	6	5	4	4	20	12
Macon	76	73	21	19	2	2	44	43	9	6	152	143
Madison	57	44	8	6	55	55	23	7	0	0	143	112
Marion	18	14	1	1	2	2	4	4	3	3	28	24
McDuffie	96	83	21	17	30	27	16	3	9	6	172	136
McIntosh	19	7	15	12	0	0	3	2	3	2	40	23
Meriwether	73	70	1	1	20	20	55	55	16	16	165	162
Miller	16	14	3	3	2	2	1	0	5	4	27	23
Mitchell	66	53	5	5	2	1	11	11	13	12	97	82
Monroe	57	57	34	33	44	44	37	37	7	7	179	178
Montgomery	8	7	8	8	1	1	15	15	1	1	33	32
Morgan	28	19	4	2	27	27	13	11	2	2	74	61
Murray	93	57	47	33	2	0	21	16	50	40	213	146
Muscogee	1331	1142	562	462	350	289	415	327	245	130	2,903	2,350
Newton	229	177	144	124	103	85	177	142	199	161	852	689
Oconee	42	34	11	8	2	1	18	17	30	26	103	86
Oglethorpe	10	9	2	1	1	1	17	17	8	6	38	34
Paulding	217	199	59	55	19	19	43	31	69	57	407	361
Peach	83	69	34	31	2	1	50	41	30	29	199	171
Pickens	24	22	15	12	4	3	27	27	0	0	70	64
Pierce	25	18	3	3	0	0	20	10	3	2	51	33
Pike	39	33	13	11	16	13	8	4	9	7	85	68
Polk	99	85	38	32	0	0	30	18	40	29	207	164
Pulaski	24	18	4	3	0	0	2	2	7	6	37	29
Putnam	9	8	0	0	2	2	44	41	2	2	57	53
Quitman	3	3	0	0	3	3	11	11	2	2	19	19
Rabun	34	29	4	4	21	20	10	0	2	0	71	53
Randolph	23	20	0	0	1	1	8	8	14	14	46	43
Richmond	1,279	1,101	299	280	143	109	195	138	43	31	1,959	1,659
Rockdale	208	154	86	65	169	151	71	52	60	43	594	465
Schley	6	4	5	5	2	2	4	4	9	7	26	22
Screven	23	20	13	13	0	0	9	9	4	4	49	46
Seminole	12	10	5	5	3	3	13	7	0	0	33	25
Spalding	373	280	102	81	95	71	135	112	38	36	743	580
Stephens	64	57	7	6	26	26	13	7	20	14	130	110
Stewart	18	18	10	10	1	1	6	6	3	1	38	36
Sumpter	161	160	52	52	31	31	52	52	23	22	319	317
Talbot	7	7	2	2	0	0	1	1	1	1	11	11

CY 1988 Juvenile Court Caseload (Number of children)

County	Delinquent		Unruly		Traffic		Deprived		Special Proceedings		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Taliaferro	5	5	3	3	3	3	0	0	1	1	12	12
Tattnall	46	35	32	28	8	7	13	12	7	7	106	89
Taylor	8	7	2	2	6	4	7	7	5	5	28	25
Telfair	80	68	27	26	17	17	2	2	6	3	132	116
Terrell	32	26	3	2	9	9	53	49	15	13	112	99
Thomas	231	198	66	43	105	92	62	48	13	9	477	390
Tift	280	230	48	40	87	82	45	25	6	6	466	383
Toombs	80	75	6	2	1	1	57	44	26	22	170	144
Towns	8	7	0	0	4	4	1	1	0	0	13	12
Treutlen	35	32	7	7	24	19	8	4	5	5	79	67
Troup	609	467	146	128	71	50	178	128	13	9	1,017	782
Turner	34	24	9	6	11	8	10	5	2	2	66	45
Twiggs	32	29	14	14	4	4	12	5	2	2	64	54
Union	7	7	4	4	29	28	16	16	0	0	56	55
Upson	127	119	44	41	60	56	52	46	6	6	289	268
Walker	123	120	57	56	97	97	52	50	20	20	349	343
Walton	275	243	278	242	99	86	165	134	77	36	894	761
Ware	326	284	102	82	73	60	96	79	22	22	619	527
Warren	19	18	0	0	7	7	1	3	3	3	30	31
Washington	21	16	2	2	0	0	17	13	0	0	40	31
Wayne	99	86	15	14	15	15	42	39	45	45	216	199
Webster	7	7	0	0	1	1	0	0	0	0	8	8
Wheeler	24	20	12	10	3	3	6	2	0	0	45	35
White	18	6	6	3	5	0	6	3	3	3	38	15
Whitfield	337	294	193	179	228	192	168	145	101	92	1,027	902
Wilcox	20	15	0	0	2	2	11	7	0	0	33	24
Wilkes	23	22	3	3	10	9	2	2	9	8	47	44
Wilkinson	17	16	3	2	5	4	16	14	5	5	46	41
Worth	80	44	9	7	27	27	7	0	25	5	148	83
TOTALS	31,673	23,637	10,809	8,360	12,750	10,015	10,353	7,508	4,263	3,081	69,848	52,601

Probate Courts

Located in each of Georgia's 159 counties, the probate court exercises exclusive original jurisdiction in the probate of wills, the administration of estates, the appointment of guardians and the involuntary hospitalization of incapacitated adults and other dependent individuals.

If provided by local statute, probate judges may serve as election superintendent, appoint persons to fill public offices, administer oaths of office, issue marriage licenses, hold habeas corpus hearings or preside over criminal preliminary hearings. In those counties where there is no state court, probate courts may also hear traffic cases and try violations of state game and fish laws, unless there is a demand for a jury trial, in which instance a case would be transferred to the superior court.

As of July 1, 1988, in counties with a population greater than 100,000 and where the probate judge has practiced law for at least seven years, a party to a civil case has the right to a jury trial if so asserted by a written demand with the first pleading. Appeals from such civil cases may be to the Supreme Court or Court of Appeals, depending on the particular matter.

Probate court judges are elected to four-year terms in countywide, partisan elections. A candidate for office must be at least 25 years of age, a high school graduate, a U. S. citizen, and a county resident for at least two years preceding the election. In counties with a population over 100,000, candidates must fulfill additional qualifications on age and the practice of law.

Newly elected or appointed judges must complete an initial training course in probate matters. In order to receive retirement credit, all judges are required to attend annual continuing education courses and seminars sponsored by the Executive Probate Judges Council and conducted by the Institute of Continuing Judicial Education.

FY 1989 civil caseload data voluntarily submitted by 97 probate courts and CY 1983 criminal caseload data voluntarily submitted by 51 probate courts exercising criminal jurisdiction are presented in the tables on pages 20-22.

FY 1989 Probate Court Civil Caseload (Docket entries)

County	Admin-istration	No Admin-istration Necessary	Probate			Year's Support	Hospital-ization	Habeas Corpus	Licenses		Total Civil
			Common	Solemn	Guardianship				Marriage	Pistol	
Atkinson *	3	0	1	10	6	0	7	0	36	26	89
Bacon *	2	1	1	6	1	0	8	0	23	17	59
Baker *	3	0	0	6	4	0	7	0	11	11	42
Baldwin	18	5	11	81	67	3	225	0	365	268	1,043
Banks	9	0	1	27	8	3	7	0	70	60	185
Barrow	11	10	0	68	42	2	44	0	270	200	647
Bartow	26	14	1	147	58	12	116	0	503	455	1,332
Ben Hill	16	5	5	50	15	4	17	0	190	127	429
Bibb	77	39	13	454	117	52	108	0	1,692	875	3,427
Bleckley	2	2	1	26	6	2	0	0	124	114	277
Brantley	1	2	0	16	7	3	0	0	97	58	184
Bryan	19	0	2	25	18	1	16	0	99	98	278
Bulloch	21	2	4	105	17	3	19	0	269	183	623
Butts	9	4	0	41	16	5	3	0	130	184	392
Candler	6	4	1	22	5	0	0	0	58	21	117
Chatham *	40	15	9	124	112	27	29	1	554	290	1,201
Cherokee	28	18	9	125	32	14	41	0	540	560	1,367
Clarke	79	12	15	214	100	11	82	2	551	382	1,448
Clay *	0	0	0	5	0	0	0	0	8	5	18
Clayton	69	29	9	256	280	45	72	0	2,275	1,082	4,117
Clinch	8	1	1	11	3	2	0	0	58	13	97
Cobb	171	52	40	717	389	78	142	0	4,685	2,387	8,661
Coffee	23	8	5	68	29	5	0	0	357	198	693
Colquitt	13	23	4	94	18	4	29	0	372	119	676
Coweta	36	14	8	143	75	16	67	1	564	341	1,265
Crawford	2	1	0	19	7	2	0	0	86	62	179
Dawson	5	4	1	32	10	3	19	0	83	97	254
Decatur	20	5	0	66	27	5	26	0	246	76	471
DeKalb **	51	58	69	487	290	67	18	9	2,500	1,150	4,699
Dodge	10	9	3	44	23	4	4	1	146	79	323
Dooly *	1	0	0	18	3	1	4	0	21	51	99
Dougherty *	32	14	10	120	68	5	42	0	765	491	1,547
Douglas	22	9	1	124	85	18	20	0	954	603	1,836
Early	4	1	0	28	3	0	13	0	85	77	211
Effingham	15	1	8	46	31	6	21	0	176	205	509
Evans *	3	0	0	13	3	0	2	0	48	33	102
Fannin	13	4	2	28	8	5	0	0	121	151	332
Fayette	20	8	6	82	36	12	0	0	454	450	1,063
Fulton	427	263	221	1,569	1,299	150	46	0	7,519	5,383	16,877
Gilmer *	3	1	2	5	3	1	5	0	38	28	86
Grady	13	10	3	36	10	1	41	0	190	46	350
Greene	14	1	9	23	9	1	4	0	80	92	233
Gwinnett	101	36	15	396	281	34	76	0	3,135	1,735	5,809
Hall *	22	7	4	116	43	7	20	0	466	333	1,018
Haralson	39	0	0	62	15	12	27	1	231	220	607
Harris *	4	1	1	7	6	1	0	0	33	20	73
Heard *	0	0	0	7	2	0	1	0	21	16	47
Henry	19	17	11	129	75	13	26	0	452	526	1,268
Jasper	3	0	4	26	6	1	3	0	65	59	167
Jones	11	0	7	54	17	4	13	0	140	204	450
Laurens	32	15	2	97	42	7	67	0	418	286	966
Lee *	4	5	0	9	6	3	7	0	64	93	191
Liberty	35	1	0	61	105	9	74	0	1,300	161	1,746
Long *	0	0	0	5	1	1	4	0	16	9	36
Lowndes *	24	6	1	35	16	12	22	0	441	152	709
Macon *	12	2	4	54	19	0	24	0	116	99	330
McDuffie *	6	4	0	27	17	4	26	0	80	123	287
Miller	9	3	1	18	1	0	0	0	42	48	122
Mitchell	16	7	1	50	11	2	1	0	166	97	351
Monroe	9	5	5	40	8	0	3	0	128	123	321

FY 1989 Probate Court Civil Caseload (Docket entries)

County	Admin-istration	No Admin-istration Necessary	Probate Common	Probate Solemn	Guardianship	Year's Support	Hospital-ization	Habeas Corpus	Licenses Marriage	Licenses Pistol	Total Civil
Morgan *	5	1	1	7	3	2	3	0	32	27	81
Murray **	11	8	1	43	13	6	22	0	215	127	446
Muscogee	184	21	18	463	286	61	64	0	2,133	786	4,016
Oglethorpe	4	13	0	27	17	3	8	0	86	104	262
Paulding	21	8	0	99	37	7	0	0	591	391	1,154
Peach *	4	0	0	18	0	0	5	0	36	29	92
Pierce *	6	4	10	28	6	6	20	0	140	64	284
Pike **	3	0	0	23	8	0	3	0	81	84	202
Polk	11	0	4	101	17	11	71	0	447	314	976
Putnam	16	6	4	26	13	5	7	0	120	133	330
Quitman	3	2	1	7	1	0	2	0	19	15	50
Randolph	9	2	0	31	9	0	0	0	64	64	179
Richmond	109	51	56	343	170	127	202	0	1,553	1,181	3,792
Rockdale	23	21	11	86	73	5	14	0	642	422	1,297
Seminole	13	4	1	21	5	3	13	2	651	59	772
Spalding	21	15	1	139	61	12	45	0	583	417	1,294
Tattnall	10	7	2	143	16	5	18	0	120	119	440
Taylor	8	0	3	18	6	3	62	0	51	48	199
Telfair	7	2	0	26	6	1	16	0	98	105	261
Terrell	11	1	1	26	13	0	5	0	87	102	246
Thomas	28	8	1	124	29	5	430	0	413	164	1,202
Tift	20	6	0	72	17	2	34	0	394	204	749
Towns	9	1	0	39	6	0	0	0	41	91	187
Troup	20	18	6	166	48	22	77	0	486	410	1,253
Turner	14	6	2	39	24	1	3	0	57	70	216
Union	16	1	5	22	21	4	0	0	111	170	350
Walker	29	25	5	141	75	14	38	0	228	194	749
Walton	35	14	5	83	38	11	52	0	301	261	800
Ware	28	11	6	96	23	20	56	0	434	257	931
Warren *	0	1	0	5	6	0	0	0	7	16	35
Washington	14	9	9	28	6	1	13	0	138	92	310
Wheeler	0	0	2	4	6	4	4	0	36	26	82
White	12	8	1	39	5	7	5	0	138	60	275
Whitfield **	23	25	5	194	36	16	100	1	422	273	1,095
Wilkes *	8	0	1	23	7	1	4	0	36	9	89
Wilkinson	9	4	1	19	6	2	17	0	73	88	219
Worth	5	3	4	48	22	3	18	0	175	149	427

* Incomplete submissions for FY 1989.
** CY 1988 data.

FY 1989 Probate Court Criminal Caseload (Docket entries)

County	Misdemeanors Filed	Misdemeanors Disposed	Traffic Filed	Traffic Disposed	Total Caseload Filed	Total Caseload Disposed
Atkinson *	0	0	556	441	556	441
Bacon *	8	15	117	218	125	233
Baker *	17	17	346	319	363	336
Banks	129	161	712	709	841	870
Barrow	0	0	1,706	1,706	1,706	1,706
Bartow	591	574	5,355	4,855	5,946	5,429
Ben Hill	66	56	789	670	855	726
Bleckley	0	0	743	1,300	743	1,300
Brantley	70	70	865	865	935	935
Butts	190	190	1,473	1,473	1,663	1,663
Clay *	31	29	144	122	175	151
Crawford	47	38	1,167	1,152	1,214	1,190
Dawson	101	85	684	604	785	689
Dodge	76	57	943	612	1,019	669
Dooly *	9	1	1,819	1,574	1,828	1,575
Douglas	0	0	1,989	1,446	1,989	1,446
Fannin	167	164	916	861	1,083	1,025
Fayette	7	2	1,708	1,784	1,715	1,786
Gilmer *	45	45	213	213	258	258
Greene	233	228	2,339	2,259	2,572	2,487
Haralson	145	91	2,105	1,383	2,250	1,474
Harris *	0	0	538	538	538	538
Heard *	6	6	82	86	88	92
Henry	104	101	5,233	5,086	5,337	5,187
Jasper	3	6	1,010	1,010	1,013	1,016
Laurens	227	171	4,464	4,261	4,691	4,432
Lee *	8	8	1,067	749	1,075	757
McDuffie *	0	0	1,347	1,466	1,347	1,466
Monroe	303	262	10,657	10,126	10,960	10,388
Morgan *	25	30	1,268	1,418	1,293	1,448
Murray **	0	0	2,560	2,560	2,560	2,560
Oglethorpe	77	70	879	879	956	949
Paulding	324	329	1,843	1,809	2,167	2,138
Peach*	0	0	96	96	96	96
Pike **	17	17	1,070	1,070	1,087	1,087
Polk	83	74	1,613	1,588	1,696	1,662
Quitman	109	109	280	280	389	389
Randolph	0	0	920	922	920	922
Seminole	10	10	1,248	1,148	1,258	1,158
Taylor	28	38	802	708	830	746
Telfair	40	32	1,069	941	1,109	973
Terrell	88	91	1,673	1,636	1,761	1,727
Towns	57	55	191	186	248	241
Turner	0	0	1,511	1,393	1,511	1,393
Union	86	76	486	407	572	483
Walton	142	142	2,952	2,952	3,094	3,094
Warren *	2	7	214	183	216	190
Wheeler	12	12	638	635	650	647
White	0	0	472	336	472	336
Wilkes *	35	32	512	628	547	660
Wilkinson	108	77	371	294	479	371

* Incomplete submissions for FY 1989.
** CY 1988 data.

Magistrate Courts

A statewide system of magistrate courts was constitutionally created in 1983 to replace justice of the peace, small claims, and other similar courts. A chief magistrate, who may be assisted by one or more magistrates, presides over each of the 159 magistrate courts in the state.

Magistrate court jurisdiction encompasses civil trials for claims of $5,000 or less; trials for county ordinance violations; trials for misdemeanor violations of bad check laws; holding preliminary hearings; and issuing summonses, arrest warrants, search warrants, distress warrants, and dispossessory writs.

Magistrates may grant bail in cases for which the setting of bail is not exclusively reserved to a judge of another court, administer oaths and issue subpoenas, as well as sentence and fine for contempt up to 10 days imprisonment and/or $200.

No jury trials are held in magistrate court, and cases involving county ordinance violations in which the defendant submits a written request for a jury trial are removed to superior or state court. These courts also hear de novo appeals from judgments of magistrate courts.

In addition to hearing cases, duties of the chief magistrate include assignment of cases, setting of court sessions, appointment of other magistrates (with the consent of the superior court judges), and deciding disputes among other magistrates. Minimum compensation for chief magistrates and magistrates is fixed by statute. Unless otherwise provided by local law, the number of magistrates in addition to the chief is set by majority vote of the county's superior court judges.

Chief magistrates are either appointed or elected in partisan, countywide elections to serve for a term of four years. Terms for other magistrate judges run concurrently with that of the chief magistrate who appointed them. The authority to appoint a replacement if a vacancy occurs in the office of chief magistrate usually resides with a circuit's superior court judges.

To qualify for candidacy for magistrate office, persons must reside in the county for at least one year preceding their term of office, be 25 years of age, and have a high school diploma or its equivalent. New magistrates, unless they are active members of the state bar, must complete an initial 40-hour course for certification and all magistrates must satisfy an annual 20-hour continuing education requirement. The Georgia Magistrate Courts Training Council formulates the curricula for the seminars and sets the standards for certification, and the training courses are coordinated by the Institute of Continuing Judicial Education.

As provided by law, judges of other limited jurisdiction courts may also serve in the capacity of magistrate in the same county. At the end of FY 1989, 29 probate judges, three civil court judges, three juvenile court judges and referees, one state court clerk, and two municipal court judges also served as chief magistrate or magistrate.

Fiscal year 1989 magistrate court caseload is presented on pages 24-26 for 143 counties submitting data.

FY 1989 Magistrate Court Caseload (Cases filed)

County	Warrants Issued	Bond and Commitment Hearings	Criminal Cases Filed	Criminal Cases Disposed	Civil Claims Filed	Civil Claims Disposed	Other Civil Cases Filed	Other Civil Cases Disposed	Total Warrants and Filings	Total Hearings and Dispositions
Appling *	229	199	2	2	84	84	52	52	367	337
Atkinson	231	30	8	8	215	201	54	54	508	293
Bacon	446	257	370	13	461	332	149	149	1,426	751
Baker *	70	52	14	14	80	34	25	25	189	125
Baldwin	1,891	267	0	0	3,127	2,537	2,382	2,382	7,400	5,186
Banks	389	29	10	10	211	213	52	52	662	304
Barrow	2,492	250	1	1	699	363	600	600	3,792	1,214
Ben Hill	1,403	505	233	414	1,362	1,009	918	918	3,916	2,846
Berrien	1,139	0	0	0	466	363	213	213	1,818	576
Bibb	10,896	4,461	0	0	2,713	1,994	1,208	1,208	14,817	7,663
Bleckley	693	145	74	191	280	276	153	153	1,200	765
Brantley	109	16	70	41	170	134	34	34	383	225
Brooks	534	409	50	50	463	356	204	204	1,251	1,019
Bryan *	185	48	0	0	288	248	53	53	526	349
Bulloch	3,571	213	3	3	1,318	2,031	818	818	5,710	3,065
Burke	1,200	5	0	0	712	605	278	278	2,190	888
Butts *	734	135	83	93	247	200	132	132	1,196	560
Calhoun *	45	0	0	0	26	23	14	14	85	37
Camden	1,754	496	2	2	540	291	269	269	2,565	1,058
Candler *	501	254	111	0	120	116	74	74	806	444
Carroll	1,980	255	98	98	1,555	1,486	1,457	1,457	5,090	3,296
Catoosa	1,969	360	120	170	304	406	314	314	2,707	1,250
Charlton	587	462	91	92	289	258	74	74	1,041	886
Chatham	5,594	3,335	1,256	1,070	6,897	3,261	8,927	8,927	22,674	16,593
Cherokee	5,336	764	1	1	1,133	684	1,302	1,302	7,772	2,751
Clarke	9,012	2,474	30	86	1,346	1,168	2,101	2,101	12,489	5,829
Clay	185	64	1	0	77	65	15	15	278	144
Clayton	9,283	10,078	258	232	1,751	1,122	9,826	9,826	21,118	21,258
Clinch	339	9	0	0	253	113	67	67	659	189
Cobb	17,166	22,215	1,285	1,271	4,963	2,678	0	0	23,414	26,164
Coffee	5,164	55	0	0	1,491	104	820	820	7,475	979
Colquitt	2,720	411	0	0	1,691	456	621	621	5,032	1,488
Columbia	1,541	315	1,445	1,011	1,102	1,170	384	384	4,472	2,880
Coweta	3,500	13	1,181	738	1,759	1,349	1,103	1,103	7,543	3,203
Crawford	218	19	28	24	146	162	52	52	444	257
Crisp	1,533	647	536	639	699	635	630	630	3,398	2,551
Dade	657	341	0	0	125	143	73	73	855	557
Dawson	382	217	0	11	312	328	88	88	782	644
Decatur	1,340	535	0	0	1,075	0	440	440	2,855	975
DeKalb	19,190	33,383	1,184	1,084	4,291	2,401	80	80	24,745	36,948
Dodge	1,741	0	0	0	366	129	281	281	2,388	410
Dooly	450	107	0	0	434	333	142	142	1026	582
Dougherty	7,815	392	0	0	3,476	3,476	3,825	3,825	15,116	7,693
Douglas	3,984	157	386	399	1,072	954	1,219	1,219	6,661	2,729
Early	660	12	0	0	420	420	163	163	1,243	595
Echols	26	10	0	0	19	15	0	0	45	25
Effingham	775	115	95	95	405	405	155	155	1,430	770
Elbert	1,424	433	0	0	616	561	357	357	2,397	1,351
Emanuel	923	574	355	338	725	722	330	330	2,333	1,964
Evans *	292	88	329	186	189	37	185	185	995	496
Fannin	525	24	86	86	244	168	36	36	891	314
Fayette	664	390	698	626	647	543	427	427	2,436	1,986
Floyd *	1,955	654	1,392	330	1,996	1,076	1,763	1,763	7,106	3,823
Franklin	911	120	132	124	541	441	166	166	1,750	851
Fulton	18,639	23,110	21,601	12,391	5,527	3,806	57,626	57,626	103,393	96,933
Glascock *	13	0	0	3	11	0	6	6	30	9
Glynn	6,884	205	1,032	1,032	1,671	1,030	1,687	1,687	11,274	3,954
Gordon	3,389	1,018	221	315	762	563	381	381	4,753	2,277
Greene *	303	0	0	0	535	1,578	242	242	1,080	1,820
Gwinnett	10,217	6,120	1,077	342	3,555	3,021	9,256	9,256	24,105	18,739

FY 1989 Magistrate Court Caseload (Cases filed)

County	Warrants Issued	Bond and Commitment Hearings	Criminal Cases Filed	Criminal Cases Disposed	Civil Claims Filed	Civil Claims Disposed	Other Civil Cases Filed	Other Civil Cases Disposed	Total Warrants and Filings	Total Hearings and Dispositions
Hall	2,641	4,572	2,225	2,225	1,886	1,749	1,809	1,809	8,561	10,355
Hancock	221	103	102	27	918	838	377	377	1,618	1,345
Haralson	932	74	123	77	329	190	128	128	1,512	469
Harris	590	134	17	12	389	315	160	160	1,156	621
Hart	668	199	43	76	520	178	248	248	1,479	701
Heard *	198	2	8	8	140	126	46	46	392	182
Henry	1,976	3,313	597	608	973	1,340	686	686	4,232	5,947
Houston	7,571	2,776	146	77	1,336	1,201	1,435	1,435	10,488	5,489
Irwin	368	0	0	0	400	400	201	201	969	601
Jackson	2,072	229	4	3	670	753	381	381	3,127	1,366
Jasper	268	129	0	0	172	173	107	107	547	409
Jeff Davis	1,020	756	592	592	760	782	299	299	2,671	2,429
Jefferson *	187	64	48	48	179	179	93	93	507	384
Jenkins *	240	27	0	0	235	215	149	149	624	391
Johnson	424	19	39	39	222	121	118	118	803	297
Jones	830	7	0	0	620	315	182	182	1,632	504
Lamar	487	32	0	0	416	383	225	225	1,128	640
Lanier	431	23	0	0	196	126	59	59	686	208
Lauren	2,939	2,932	1,031	1,033	1,052	1,831	1,042	1,042	6,064	6,838
Lee	634	111	87	85	420	382	127	127	1,268	705
Liberty *	596	0	0	0	165	294	165	165	926	459
Lincoln *	169	49	2	2	297	212	179	179	647	442
Long	285	106	0	0	111	104	19	19	415	229
Lowndes	6,009	1,830	823	360	2,102	918	1,860	1,860	10,794	4,968
Lumpkin	637	366	164	45	346	217	76	76	1,223	704
Macon	835	162	138	47	519	104	352	352	1,844	665
Madison	843	364	164	141	447	258	97	97	1,551	860
Marion	146	93	0	0	121	116	59	59	326	268
McDuffie	1,164	221	87	87	699	482	431	431	2,381	1,221
McIntosh	459	176	2	2	270	250	65	65	796	493
Meriwether	1,237	51	4	4	827	769	331	331	2,399	1,155
Miller	281	0	0	0	319	0	43	43	643	43
Monroe	816	97	0	0	715	502	349	349	1,880	948
Montgomery *	60	5	0	4	43	29	8	8	111	46
Morgan	570	271	66	17	452	405	217	217	1,305	910
Murray *	268	6	15	15	144	96	22	22	449	139
Muscogee	0	0	0	0	1,154	469	15	15	1,169	484
Newton *	1,234	532	690	612	463	432	286	286	2,673	1,862
Oglethorpe	265	19	4	0	193	184	77	77	539	280
Paulding	1,148	642	82	216	539	645	277	277	2,046	1,780
Peach	1,064	729	41	59	463	266	271	271	1,839	1,325
Pickens	882	4	29	29	303	244	82	82	1,296	359
Pierce *	217	42	0	0	59	67	17	17	293	126
Pike	382	153	10	10	200	69	71	71	663	303
Pulaski	389	120	0	0	329	226	97	97	815	443
Putnam *	427	486	0	0	744	625	243	243	1,414	1,354
Quitman	66	28	0	0	43	44	1	1	110	73
Rabun *	464	6	2	2	202	206	53	53	721	267
Randolph *	205	20	0	0	79	89	24	24	308	133
Richmond	15,561	1,911	7,852	7,852	6,433	1,649	5,997	5,997	35,843	17,409
Rockdale	2,388	2,167	1,622	1,256	714	564	1,116	1,116	5,840	5,103
Schley	170	71	0	0	131	75	60	60	361	206
Seminole	307	72	15	36	290	201	83	83	695	392
Spalding	3,463	2,083	19	22	1,907	1,590	2,768	2,768	8,157	6,463
Stephens	1,948	71	474	102	516	268	191	191	3,129	632
Stewart	281	44	13	14	95	73	42	42	431	173
Sumter	2,441	1,231	0	0	1,018	991	751	751	4,210	2,973
Tattnall *	317	137	207	104	319	310	43	43	886	594
Taylor *	75	7	0	0	23	24	5	5	103	36
Telfair	700	208	0	0	377	313	243	243	1,320	764

FY 1989 Magistrate Court Caseload (Cases filed)

County	Warrants Issued	Bond and Commitment Hearings	Criminal Cases Filed	Criminal Cases Disposed	Civil Claims Filed	Civil Claims Disposed	Other Civil Cases Filed	Other Civil Cases Disposed	Total Warrants and Filings	Total Hearings and Dispositions
Terrell	393	332	125	107	292	238	205	205	1,015	882
Thomas	2,663	925	978	1,308	1,628	1,529	1,297	1,297	6,566	5,059
Tift	4,160	971	4	2	1,168	413	628	628	5,960	2,014
Toombs	2,842	38	492	834	922	607	457	457	4,713	1,936
Towns	273	12	0	23	70	71	10	10	353	116
Treutlen *	258	19	0	0	55	57	28	28	341	104
Troup	2,402	18	41	41	4,444	3,453	3,659	3,659	10,546	7,171
Twiggs	306	117	12	31	219	104	66	66	603	318
Union	522	2	116	7	219	45	14	14	871	68
Upson	1,139	299	200	3	721	59	474	474	2,534	835
Walker	1,277	301	64	135	721	251	524	524	2,586	1,211
Walton	2,771	375	716	728	941	930	1,270	1,270	5,698	3,303
Ware	2,449	1,394	1,886	1,886	942	942	785	785	6,062	5,007
Warren	165	2	0	0	228	222	153	153	546	377
Washington	1,199	43	307	231	1,247	1,221	597	597	3,350	2,092
Webster *	63	55	0	0	71	66	6	6	140	127
Wheeler *	238	37	0	0	124	39	44	44	406	120
White *	252	211	114	73	165	82	43	43	574	409
Whitfield	5,861	17	561	427	2,363	2,363	1,302	1,302	10,087	4,109
Wilcox *	90	25	12	8	61	69	21	21	184	123
Wilkes	350	109	0	0	394	361	218	218	962	688
Wilkinson	317	60	27	22	318	318	151	151	813	551
Worth	880	84	0	0	341	341	133	133	1,354	558
TOTALS	282,134	152,780	59,191	45,450	121,710	88,435	151,346	151,346	614,381	438,011

* Incomplete submissions for FY 1989.

Other Courts

Along with the two appellate and five classes of trial courts, approximately 400 local courts form the Georgia court system. Several special courts and numerous (390) courts serving incorporated municipalities operate under a variety of names with varying jurisdiction.

Originally created by statute or constitutional provision, certain special courts have limited civil and criminal jurisdiction throughout the county. Such courts include the civil courts located in Bibb and Richmond counties and the Municipal Court of Columbus (see court organizational chart, page 6). Special courts authorized to exercise criminal jurisdiction only are the county recorder's courts of Chatham, DeKalb, and Gwinnett counties and courts of the consolidated government of Columbus-Muscogee County.

At the local level, Georgia has courts of incorporated municipalities that try municipal ordinance violations, issue criminal warrants, conduct preliminary hearings, and may have concurrent jurisdiction over cases involving one ounce or less of marijuana. Although first established under various names (city courts, mayor's courts, municipal courts, police courts, recorder's courts), these courts were redesignated as municipal courts by the 1983 state constitution. (An exception is the City Court of Atlanta, which retains its original name.)

Qualifications of judges and terms of office in municipal courts are set by local legislation.

Judicial Agencies

Judicial Council of Georgia

Since its creation by statute in 1973, the Judicial Council has served the Georgia judiciary and citizenry as the state-level judicial planning agency by coordinating administrative efforts for and recommending improvements in the state judicial system. An administrative arm of the Supreme Court since 1978, the council advises the legislature and the governor on the need for additional superior court judgeships by evaluating circuit caseloads and circumstances. The council also responds to legislative directives and individual requests for studies and initiates projects to generate efficiencies in the state's courts.

Twenty-four representatives of the appellate and trial courts serve on the Judicial Council. The Supreme Court's chief justice and presiding justice act as the chairperson and vice chairperson, respectively. The chief judge and another member of the Court of Appeals, the presidents and presidents-elect of the superior, state, juvenile, probate, and magistrate court councils, and the ten superior court district administrative judges complete the council's membership.

The full council meets at least twice each year, as it did in December 1988 and June 1989, to consider its committees' recommendations regarding specific studies and ongoing projects. The council oversees the activities of the Administrative Office of the Courts and the Board of Court Reporting (see following pages).

The Judicial Council continued its contract with the ten judicial administrative districts for district personnel to conduct the 1987 calendar year casecount in the summer of 1988. Raw data obtained by the districts was analyzed by the Administrative Office of the Courts, and the results were submitted to the council for use in evaluating requests for ten additional superior court judgeships in nine judicial circuits.

In considering additional judgeships, the Judicial Council seeks a balanced and equitable distribution of superior court caseload to promote speedy and fair trials. Endorsements are based on information that clearly and convincingly depicts the necessity of additional judicial personnel. As a matter of policy, the council does not recommend the creation of new part-time judgeships or additional circuits.

The council compares a requesting circuit's situation, in terms of weighted caseload, average filings, jury trials, open caseload, population, and days of senior judge assistance, to that of the remaining circuits. In FY 1989, the council recommended to Governor Harris and the General Assembly the creation of eight new superior court judgeships in the following judicial circuits: Atlanta (thirteenth and fourteenth judgeships), Atlantic (fourth), Chattahoochee (fifth), Cherokee (third), Eastern (fifth), Lookout Mountain (fourth), and Southern (fourth). All judgeships were approved by the General Assembly except the fourteenth judgeship for the Atlanta Circuit and an additional judgeship for the Lookout Mountain Circuit.

In response to a request from a state representative, the council evaluated a proposal to split Columbia County from the three-county Augusta Judicial Circuit. In light of its policy against creating single-county circuits, the council did not recommend dividing the Augusta Circuit.

At the end of the fiscal year, the council authorized the Administrative Office of the Courts (AOC) to study 1988 caseload data to determine the need for new superior court judgeships for the Atlanta,

Augusta, Blue Ridge, Cobb, Coweta, Flint, Gwinnett, Lookout Mountain, Macon, Middle, Ocmulgee, South Georgia, and Stone Mountain judicial circuits. The council also authorized the Administrative Office of the Courts to research a request to create a new circuit by splitting Henry County from the Flint Judicial Circuit.

During the year, the council took steps to improve casecounting and case reporting methods. The council submitted to the Uniform Rules Committees of the superior and state courts a proposal for rules requiring that each civil suit have face sheets containing case initiation and disposition information. These sheets would be filled out by attorneys to assist clerks in docketing cases.

The Electronic Data Processing Committee (EDP) is charged with making recommendations to the Judicial Council for providing uniform electronic data management systems for Georgia's courts. It is composed of judges representing each class of trial court, court clerks, and numerous staff and technical advisors from the Administrative Office of the Courts, the Department of Administrative Services, the Institute of Continuing Judicial Education, and other professional organizations and businesses.

During FY 1989, the EDP Committee coordinated the planning, funding, procurement, and installation of personal computers in the offices of all superior court clerks to link the clerks' offices with the state's mainframe computer network. The network connects clerks to the Secretary of State's automated database for inquiries regarding corporate charters and also provides access to electronic mail. At the end of FY 1989, the clerks' network was fully operational.

The council adopted the EDP committee's recommendation to discontinue the AOC's manual case-by-case pilot project and to use the resulting funds to develop software for superior court clerks in the less populous counties. The council also approved the committee's proposal to seek funds to purchase personal computers that would connect the following persons and organizations to the statewide network: each chief judge of the 45 superior court judicial circuits; the 24 members of the Judicial Council; a designated representative of each of the five trial court judges' councils (superior, state, juvenile, probate, and magistrate courts), the ten district court administrators, the Administrative Office of the Courts, and the Institute of Continuing Judicial Education.

As charged by law, the Judicial Council took administrative action in different areas. It approved two revisions of the rules of the Board of Court Reporting, as recommended by the board. The council also voted to approve, as part of the Georgia Magistrate Courts Training Council's 1989 curriculum, a three-hour domestic violence course (to be added to the initial certification course) and a three-hour course devoted to benchbook usage (to be added to every course).

A Judicial Council committee to investigate jury utilization and management standards as recommended by the American Bar Association (ABA) was appointed late in the year. The Jury Standards Committee began examining the ABA guidelines to determine whether the council should establish uniform jury standards in Georgia.

Administrative Office of the Courts

The Administrative Office of the Courts (AOC) provides budget, research, and management information services for the state court system and serves as liaison between national and other state judicial agencies through its administrative activities. The AOC also serves as staff to the Judicial Council, working closely with its chairperson, the chief justice of the state Supreme Court.

The AOC's administration/operations division performs fiscal support services that involve coordinating the judicial branch appropriations request and serving as accounting officer for eight other judicial agencies. The fiscal office coordinates payroll, accounts payable, cash management, purchasing, inventory control, personnel records, and financial reporting functions for these agencies.

In FY 1989, the AOC's fiscal section managed 62 separate funding sources comprising all or part of five of the seven budget units in the judicial branch (see table, page 3). These funding sources included 26 state fund allocations, 13 federal grants, and 23 fee or other revenue accounts.

Other functions of the administration/operations division are the promotion of communication and the exchange of information among judges, court support personnel, and public and private judicial organizations. These objectives are accomplished primarily through the production of a variety of informational publications, including the *Georgia Courts Journal*, a periodical that informs readers of changes in court procedure, judicial personnel

appointments and elections, recent legislation, local and national court management activities, and judicial process events.

During FY 1989, five issues of the *Courts Journal* and one index were published and distributed to 3,000 local, state, and national officials. The AOC prepared and distributed eight weekly issues of the *Judicial Legislative Log*, a digest of court-related legislation, to approximately 700 judges, county officers, and court administrative personnel.

The *1988-89 Georgia Courts Directory*, which contains address information for Georgia county, state, and federal judicial branch officials, was provided at no cost to judicial branch personnel and was made available at cost to attorneys and other persons. The AOC also produced the judiciary's *Fifteenth Annual Report on the Work of the Georgia Courts*.

Six issues of the *Public Relations Digest* ... abstracts of news and feature items about the judiciary ... were compiled and circulated to Judicial Council members to gauge public opinion about court activities and to identify matters of concern.

Eighteen press releases were also issued to the state's print and electronic media during the year to announce Judicial Council action regarding the creation of additional superior court judgeships, the appointment of new council members, and other activities. Approximately 195 printing projects were coordinated by the AOC communications staff for itself and other judicial agencies.

The AOC's research/court services division gathers statistical, financial, and other information on the judicial work of the courts so that it can identify current and future needs and propose recommendations for improvement. The AOC responds to requests for studies from the General Assembly and the judicial community and initiates projects to fulfill its legislatively prescribed duty to serve the courts (see list of AOC duties on page 30).

Each year the research staff supervises the collection of caseload and other data on the trial courts' work. Through a contract with the judicial administrative districts, the AOC expended $71,000 on a manual count of calendar year 1987 cases in the superior and juvenile courts.

CY 1987 data submitted by district personnel was audited and analyzed in terms of judicial workload and presented to the Judicial Council to formulate recommendations on the need for additional superior court judgeships in nine circuits: Atlanta, Atlantic, Chattahoochee, Cherokee, Cobb, Eastern, Gwinnett, Lookout Mountain, and Southern. The research staff also conducted a study to determine the feasibility of dividing the Augusta Judicial Circuit and the need for a full-time state court judge in Spalding County.

The AOC generated reports of district, circuit, and county caseloads in response to individual requests for caseload information and compiled open caseload reports for the 45 superior court circuits. Following an analysis of the number of open cases, the AOC estimated average processing times for each judicial circuit, and the chief justice notified judges of their circuit's ranking on this measure.

According to the study, the estimated processing time for the average case in superior court decreased by 50% over five years. Some reasons given for this decrease were expanded use of computers by courts, more productive procedures for court administration, effective methods of case management, efficient calendaring techniques, and the positive benefit of the 21 additional judgeships added from FY 1982 through CY 1987.

It was found that the ten circuits in the state with the shortest overall processing times were the Atlanta, Atlantic, Conasauga, Gwinnett, Oconee, Ogeechee, Rockdale, South Georgia, Southwestern, and Waycross circuits. The Lookout Mountain Circuit demonstrated the greatest improvement in the disposition of open cases.

The AOC continued to work with the councils of state, probate, and magistrate court judges on the development of quarterly summary caseload reporting systems for each class of court. The statistical categories used to report criminal dispositions and civil filings and dispositions for the state courts were revised to provide more relevant data and simplify reporting procedures. Manuals and forms incorporating these changes were distributed to all state court clerks. New manuals were also created for the probate court summary reporting system to improve legibility, ease of use, and forms. These manuals were distributed to all probate courts.

During the year, 24 state courts, 97 probate courts, and 143 magistrate courts submitted caseload statistics.

The AOC's research staff assisted the Judicial Council's Electronic Data Processing (EDP) Committee in planning the superior court clerks' personal computer network. The immediate purpose of the network is to provide access to corporate charter information by the public and attorneys through each clerk's office. The system provides other benefits, such as electronic mail and word processing capabilities, and serves as a basis for the further automation of clerks' functions.

The AOC assisted the EDP Committee in determining budget requirements for a superior court judges' personal computer network, which would include access to legal research tools and a

Duties of the Administrative Office of the Courts

(OCGA §15-5-24)

1) Consult with and assist judges, administrators, clerks of court and other officers and employees of the court pertaining to matters relating to court administration and provide such services as are requested

2) Examine the administrative and business methods and systems employed in the offices related to and serving the courts and make recommendations for necessary improvement

3) Compile statistical and financial data and other information on the judicial work of the courts and on the work of other offices related to and serving the courts, which shall be provided by the courts

4) Examine the state of the dockets and practices and procedures of the courts and make recommendations for the expedition of litigation

5) Act as fiscal officer and prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system

6) Perform such additional duties as may be assigned by the Judicial Council

7) Prepare and publish an annual report on the work of the courts and on the activities of the Administrative Office of the Courts

8) Receive grants from any source, public or private, and expend funds and perform services in accordance with the terms of any grant

9) Prepare, publish, and distribute, from time to time, studies and reports relating to the administration of justice, impose reasonable charges for such reports where appropriate on either an individual or subscription basis, and retain any proceeds of such charges

10) Provide clerical, technical, research, or other assistance to individual courts to enable them more effectively to discharge their duties

11) Enter into contracts as necessary to perform its other duties

model jury selection system. Additionally, AOC staff drafted personal computer compatibility requirements for the Judicial Council's approval.

The AOC completed its third computer survey of all trial courts to identify computer usage in the state. Survey results indicate that the courts' use of computers has increased 168% since the first poll was taken in 1984, and the number of applications computers perform in superior courts has grown 770%. As in previous years, the survey catalogs operating systems and software, types of automated court functions, and Georgia vendors. The survey was designed to update the 1986 computer survey and to furnish planning information to the EDP Committee.

Salary surveys of superior, state, juvenile, probate, and magistrate court judges and personnel were conducted to provide court officials with information for comparison and preparation of budget and staff requests.

During FY 1989, the AOC responded to numerous state and national surveys by organizations such as the U.S. Bureau of Justice, National Center for State Courts, National Judicial College, Rural Justice Center, Georgia Criminal Justice Coordinating Council, and other states' Administrative Office of the Courts, as well as requests for information from judges, senators, representatives, and private citizens. The AOC also prepared statistics for the Bibb County courts study completed by a task force of the judicial administrative districts.

The *Jury Commissioner's Handbook,* which informs jury commissioners and clerks of their responsibilities and provides guidelines for preparing the jury master list, was revised and published in a 1989 edition.

The AOC continued to provide secretariat services to six related agencies and organizations. As required by statute, staff assistance was provided to the Board of Court Reporting and the Georgia Magistrate Courts' Training Council. The AOC's judicial liaison officer worked with the Council of Probate Court Judges, assisted the Executive Probate Judges Council in the development of training curricula, staffed meetings of the Superior Court Clerks Training Council, and aided the Council of Magistrate Court Judges in updating and distributing the benchbook. The AOC provided staff assistance to the Uniform Rules Committee of the Council of Superior Court Judges in its efforts to improve the courts' procedural rules.

The AOC also provided staff, administrative, and technical support to the Commission on Gender Bias in the Judicial System as it began its investigation of existing and potential gender bias in the state judiciary. Areas of investigation will include the unequal application of procedural and substantive law, treatment of judicial employees, domestic relations, domestic violence, criminal law, child support and custody, and judicial selection. Testimony and information gathered from professionals and the public at regional statewide hearings will be used to prepare a report on the commission's findings and to make recommendations to the Supreme Court. The commission is composed of 30 members, including judges, court officials, and community and business leaders.

Board of Court Reporting

The Board of Court Reporting operates under authority of the 1974 Georgia Court Reporting Act to assist the state's judiciary by insuring proficiency in the practice of court reporting and encouraging high standards of professionalism among reporting practitioners. The board also investigates complaints filed against court reporters and administers disciplinary action when warranted. The Judicial Council appoints board members and governs official court reporting fees through regulation and adjustment of an established fee schedule.

The board conducts examinations twice annually as part of a qualifications procedure to certify court reporters in the state. In order to practice, both freelance and official court reporters are required to attain certified status or to obtain a temporary permit from the board or from a judge.

Board permits are issued for a single testing period and may not be renewed. Persons holding board permits may work in a freelance or official capacity until the permit expires or the reporter becomes certified. Judicial permits are issued on the signature of a judge, and these permits may be revoked by the board only with the approval of the issuing judge. Reporters on judicial permits who report more than 100 hours per year must attend the certification exams and are restricted to working in the court of the supervising judge.

The exams consist of a skills test in one of three elected methods of takedown, including machine or manual shorthand or Stenomask. To become certified, reporters must pass the "B" test, which involves dictation, transcription, and a written exam. The optional "A" test provides an opportunity for certified reporters to upgrade their professional status. Individuals who pass the initial examination submit a renewal fee by April 1 of each year to remain certified.

At the two "B" tests administered in FY 1989, 38 percent of the 298 participants passed and were certified. Four persons upgraded their certificates by qualifying for a "B" certification with no back-up.

As of June 30, 1989, there were 915 certified court reporters in the state. Fifteen reporters held temporary judicial permits, while 36 were working under temporary board permits. The board issued 88 new temporary permits during the year.

Of three formal complaints filed in FY 1989, one was issued on the board's own motion against a court reporter who had previously been convicted of a felony. Following a hearing, the reporter's license was suspended for 30 days. In the second complaint, an attorney alleged that the transcript provided by the court reporter was incorrect. The board dismissed the complaint, noting that the attorney had other remedies available to correct the transcript. The third complaint, filed against a court reporter for failure to provide a transcript of a deposition, was dismissed because the reporter's license had already been suspended for non-renewal and neither party attended the scheduled hearing date.

The **Georgia Certified Court Reporter's Association (GCCRA)**, the profession's alliance for education and training, held two seminars during the year. The fall seminar focused on stress management and tax information. Spring seminar topics included tips on grammar, punctuation, and transcription; a demonstration of computerized, real-time reporting; and professionalism. GCCRA published a quarterly newsletter for court reporters and sponsored legislation to provide retirement compensation to official court reporters.

The board submitted several rule changes to the Judicial Council for approval. The primary change concerned rules on eligibility for temporary permits. Sponsorship provisions were strengthened by a requirement to add the sponsor's name and certificate number to the certificate page of each transcript. Other changes included the adoption of a policy for testing disabled reporters, license revocation for persons whose licenses are suspended for more than three years, and revisions of all forms used by the board. The Judicial Council approved the requested changes at its meeting in December 1988.

The seven members of the Board of Court Reporting include four certified court reporters, two representatives from the State Bar of Georgia, and one representative from the judiciary who has historically been a superior court judge. The members serve two-year terms of office, and the Judicial Council appoints new members to fill any vacancies. Each person is required to have accumulated at least five years of professional experience to qualify for membership. In addition to the seven members, the director of the Administrative Office of the Courts serves as secretary, and the clerk of the board performs staff functions.

Council of Juvenile Court Judges

(Annual Report for fiscal year 1989, as required by OCGA §15-11-4.)

The Council of Juvenile Court Judges is composed of all judges of the courts exercising jurisdiction over juveniles. Council membership for FY 1989 included 51 full or part-time juvenile court judges and 59 superior court judges exercising juvenile jurisdiction. Thirty juvenile court referees assist these judges in hearing cases.

Staff of the council provides assistance for judges and local court staff regarding matters of court administration, court services, probation and intake standards and procedures, foster care review, uniform dockets, automation, uniform court rules, and other issues relating to the special functions of juvenile court.

Judges receive yearly certification training at biannual seminars conducted in conjunction with the Institute of Continuing Judicial Education. Juvenile court judges, referees, and judges pro-tem serving more than 30 days per year are required to attend at least one of the seminars to remain certified. During the past fiscal year, 51 judges and 25 referees were certified by the council.

Special projects initiated or continued by the council in FY 1989 included:

1) providing technical assistance to the Institute of Government for production of an educational video entitled "What's Going to Happen to Me?: A Look at the Juvenile Court in Georgia;"

2) formation of a joint committee with the Department of Family and Children Services (DFCS) to plan a training conference on handling the cases of deprived or abused children for Special Assistant Attorneys General, judges, and DFCS staff;

3) placement of summer law interns with juvenile courts of Chatham and Clayton counties;

4) a joint effort with the Division of Youth Services to prepare and adopt intake and probation standards for juvenile courts;

5) planning for the July 1989 meeting of the National Council of Juvenile and Family Court Judges to be held in Atlanta; and

6) creation of a committee to establish minimum caseload standards for full-time judgeships.

The Adolescent Substance Abuse Program (ASAP) began operation in four juvenile courts in September 1988. The program provides a systematic means to identify, screen, and assess juvenile probationers who have a substance abuse problem or who are at risk for developing one.

An intervention officer and an assistant serve the juvenile courts of Cobb, Douglas, Floyd, and Gwinnett counties to conduct drug screens, make assessments, monitor cases of juveniles referred to the program, and develop links to appropriate sources of treatment in the community. A total of 392 juveniles were helped by the program during the fiscal year.

Preliminary data reveals that court involvement alone is a significant indicator of drug or alcohol problems; fifty percent of the juvenile probationers evaluated at project sites were already using illegal substances in varying degrees. Substance abuse was associated with problem behaviors, including: failing grades (15%); school discipline problems (67%); and truancy (59%). For the majority of those screened, their substance abuse problem was first identified through ASAP. In May 1989, the project received a $262,000 continuation grant from the Criminal Justice Coordinating Council.

The council's Purchase of Services for Juvenile Offenders Program was named a 1988 Achievement Award winner by the Foundation for the Improvement of Justice for its accomplishments in restitution. The program annually makes available grant funds of $250,000 to juvenile courts in 95 counties for the development of court-sponsored restitution and other community-based services. A statewide total of 2,747 children were referred for services by their judge or court worker. The average expenditure per child was $84.22. During FY 1989, a total of $231,353 was spent: 53% of total expenditures were for symbolic restitution and community service jobs; 26.9% for counseling and diagnostic testing; 18.4% for tutorial sessions; and 1.4% for temporary housing, and transportation.

The program has been instrumental in the creation of restitution and community services programs in 51 counties. Funds are also used for after-school and summer tutorial programs, counseling and diagnostic testing, temporary housing and transportation. These local efforts provide opportunities for children to make constructive changes and remain in their communities.

During fiscal year 1989, the Georgia Juvenile Justice Information System expanded from 15 to 19 counties by adding Dougherty, Gwinnett, Rockdale, and Ware counties to those already using automated docketing systems. This communication link between the council and county juvenile courts enables counties to retrieve information from the statewide database, facilitates the exchange of court records, and provides prior juvenile history information to the state's juvenile courts.

Three meetings were held during the year to provide technical support for all counties using the system. Project staff compiled an operations manual and wrote job descriptions for county positions associated with the information system.

During the year, the Permanent Homes for Children in Georgia program added seven counties, bringing the total number of participating counties to 29 and the number of volunteers who serve on foster care citizen review panels to 450. Review panels analyzed 2,215 cases and spent 9,000 hours making recommendations to juvenile court judges for the temporary placement of children in foster care.

During the 1989 legislative session, the Permanent Homes project was commended with resolutions both by the Georgia Senate and the House of Representatives. The program also was recognized by the National Council of Juvenile and Family Court Judges as the Outstanding Volunteer Program in the Juvenile Courts of America, receiving a citation at the National Council's annual meeting in July 1989.

In October 1988, the council sponsored the Fourth Georgia Conference on Permanency Planning, "In the Best Interests of the Child." Held in Atlanta, the conference offered training in foster care review for the 260 judges, citizen volunteers, and professional caseworkers who attended. Participants attended workshops and heard lectures about the world of an abused child.

The council and the Division of Youth Services jointly administer the Georgia Juvenile Justice Personnel Development Project. The project's goals are to provide quality uniform training to community-based direct service providers and to promote better working relationships between community-based employees of independent juvenile courts and employees of the Division of Youth Services. Each year, the project receives $45,000 in federal funds from the Juvenile Justice Coordinating Council. Thirty-one workshops were held during FY'89, and topics included: time and caseload management, intake and probation standards, reality therapy, and the changing role of the American family. More than 6,544 training hours were provided for 209 employees of independent juvenile courts and for 435 employees of the Division of Youth Services.

Legislation affecting the juvenile courts that passed during the 1989 session of the General Assembly included: an act making the jailing of juvenile delinquents unlawful; guidelines governing the pretrial detention of juvenile offenders; and a provision requiring the district attorney's office to prosecute all delinquency cases upon request of the judge.

Council of Magistrate Court Judges

The Council of Magistrate Court Judges was statutorily created in 1988 to carry out responsibilities conferred upon it by law, to further the improvement of the magistrate courts and the administration of justice, to assist magistrates throughout the state in the execution of their duties and to promote and assist in their training. The council is composed of all chief magistrates and magistrates and is authorized to develop a constitution and by-laws. The council's executive committee, comprised of seven officers and two representatives from each of the ten judicial administrative districts, carries out the administrative duties of the council.

The council met three times in FY 1989. Each meeting consisted of a business session and a training program on a planned topic of interest. During the 1989 General Assembly, the council's legislative agenda included salary and retirement issues.

The council published the first edititon of the *Georgia Magistrate Court Benchbook* and supplemented it with an update late in the year. This book was distributed to each magistrate in office and to those who attended the 40-hour training course as new judges. The Georgia Magistrate Courts Training Council provided three hours of instruction concerning utilization of this benchbook.

Council of Probate Court Judges

The Council of Probate Court Judges was created by statute in 1988 to further the improvement of the probate courts and the administration of justice. Composed of judges and judges emeriti of the probate courts, the council has developed uniform rules, uniform forms, and a benchbook.

The council met four times during FY 1989, three times with the County Officers' Association of Georgia, and once in Athens for training and the annual election of officers. During the year, the primary objective of the council was to contract with a sitting judge to produce the *Handbook for Probate Judges*. Due to an Attorney General's opinion on the issue, the council sought legislation to allow the contract to be executed by the council. This legislation was adopted and the contract was awarded.

Council of State Court Judges

Originally a section of the Trial Judges and Solicitors Association, the Council of State Court Judges established its separate identity in 1985. A 1988 statute officially created the council to further the improvement of the state courts, the quality and expertise of the judges, and the administration of justice.

In addition to the two general meetings held during 1989, the council has an active committee system to address issues such as racial and gender bias, mandatory judicial education, uniform rules, and criminal sanctions and facilities.

Council of Superior Court Judges

The Council of Superior Court Judges is composed of all superior court judges (137) and senior (retired) superior court judges (44). Its purpose and goals are to effectuate the constitutional and statutory responsibilities conferred upon it by law, to identify and seek solutions to problems common to all judges, and to pursue matters of mutual interest in furthering the improvement of justice and the judiciary in Georgia.

The council created two new committees during FY 1989. The Committee on Gender Bias and the Committee on Racial Bias began planning activities for upcoming years. Both made commitments to follow the precept stated by the Supreme Court's Commission on Gender Bias in the Judicial System, that "Courts should provide due process and equal protection of law to all who come before them, as guaranteed by the federal and state constitutions. Equality and fairness demand equal justice."

The council supported funding of the Georgia Indigent Defense Act during debates before the General Assembly and followed with interest the funding of new prisons and funding for altenatives to prison sentences. New child support guidelines, as approved by the legislature, were also of interest to the council.

In FY 1989, the council membership continued to actively participate in improving the administration of the courts through attendance at continuing judicial education seminars. The fall 1988 seminar was attended by 119 superior and senior superior court judges; 137 judges participated in the summer 1989 seminar.

Georgia Indigent Defense Council

The Georgia Indigent Defense Council (IDC) was created by an act of the state legislature in 1979 to provide a program of legal representation for indigent defendants. The council is composed of 13 persons appointed by the Supreme Court ... one lawyer from each of the ten judicial administrative districts in Georgia and three non-lawyers from the state at large.

The council's four statutory purposes and duties are:

1) to administer funds provided by the state and federal governments to support local indigent defense programs;

2) to recommend uniform guidelines within which local indigent defense programs will operate;

3) to provide local programs and attorneys who represent indigents with technical and research assistance, clinical and training programs, and other administrative services; and

4) to prepare budget reports and management information required for implementation of the Georgia Indigent Defense Act.

In FY 1989, the IDC began formulating guidelines which outlined procedures for providing uniform operation of local indigent defense programs, to be submitted for subsequent approval by the Georgia Supreme Court.

The council received a $1 million appropriation for the 1990 fiscal year from the 1989 General Assembly. These funds were to be distributed to participating counties according to a formula that considers three equally weighted factors: county population, indigent defense caseload, and indigent defense expenditures. In FY 1989, the council chose a staff director and planned for its annual program.

The IDC works closely with county-level governing committees on the development and operation of local indigent defense programs. The council also consults with the State Bar of Georgia, the Council of Superior Court Judges, the County Commissioners Association, district court administrators, and the criminal defense bar in planning its agenda.

Georgia Magistrate Courts Training Council

(Annual Report for calendar year 1989, as required by OCGA §15-10-134.)

The Georgia Magistrate Courts Training Council supervises continuing judicial education requirements for magistrate court judges by prescribing minimum standards for curricula and criteria for magistrate training. Specifically, the council approves instructor qualifications and issues training certification to chief magistrates and magistrates who satisfactorily comply with established programs.

Nonlawyer magistrates who are newly elected or appointed must attend the first scheduled certification course after assuming office and successfully complete 40 hours of basic training in the performance of their duties. In order to maintain certified status, all magistrates (including those who are members of the State Bar of Georgia) must fulfill an annual 20-hour training requirement.

In association with the council, the Institute of Continuing Judicial Education (ICJE) sponsored two 40-hour seminars and seven 20-hour regional training sessions for magistrates during the 1989 calendar year (see table at right). A total of 436 magistrate court judges were certified in CY 1989.

It was the first year in which all who needed certification had been able to attend training, due primarily to the availability of the second 40-hour training course in September. This was also the first year that the council did not require completion of an examination to achieve certified status. Instead, a pretest was administered to help participants identify topical areas that needed attention. It was decided that no test would be required at the CY 1990 training sessions and that the time previously devoted to testing would be made available for additional instruction. Once again, the training instructors were required to attend an intensive 20-hour course designed to help them in determining their most effective methods of presentation.

Each participant was charged tuition of $125. Magistrates attending the 40-hour program took part in a variety of training modules, including instruction in legal research, reviewing the new benchbook, judicial discipline, civil claims, judicial ethics, torts and proof of damages, bookkeeping, contracts, landlord and tenant cases, garnishments and attachments, personalty actions, contempt of court, local ordinance adjudication, criminal law, search warrants, bail, pretrial release and preliminary hearings, family violence, bad check recovery, and arrest warrants. Twenty-hour participants received instruction on judicial ethics and discipline, civil issues, evidence, criminal issues, landlord and tenant issues, and benchbook usage.

For the first time, training was provided to clerks of magistrate courts with two programs shown at various sites around the state. The first session was a live satellite transmission to 150 participants who were able to call in questions to a panel of clerks and judges. The second session, transmitted to the regional locations using a videotape of the first session, was attended by 80 persons. The council produced a notebook of handout materials and an instructional videotape, which were given to each of the 159 magistrate courts for use in training new clerks.

Georgia Magistrate Courts Training Council: 1989 Seminars

Date	Location	Hours	Attendees
February 12-17	Athens	40	72
May 3-5	Tifton	20	48
May 23-25	Athens	20	61
June 6-8	Savannah	20	66
June 20-22	Forsyth	20	40
July 12-17	Athens	20	34
August 2-4	Savannah	20	54
August 22-24	Dalton	20	34
September 10-15	Athens	40	27

Institute of Continuing Judicial Education

In fiscal year 1989, the Institute of Continuing Judicial Education (ICJE) coordinated or sponsored 34 training programs for judges, court officials, and judicial personnel. Exceeding 2,000 attendees for the second year in a row, Georgia's ICJE is one of the top state and national continuing judicial education providers in the country. The state ranked tenth in the nation among state-based continuing judicial education programs in fiscal support committed for this purpose.

As an administrative arm of the Supreme Court, the Institute has retained sole responsibility for the training of all judicial personnel since 1981. The various courts and judges' councils have since adopted training standards for their members. Supreme Court justices and Court of Appeals judges must complete a minimum of 12 hours of instruction each year, with at least two hours devoted to legal or judicial ethics.

Superior court judges are required to attend judicial education programs totaling at least 12 hours per year, including two hours of judicial ethics every two years. Rule 43 of the Uniform Rules for the State Courts mandates that state court judges attend continuing legal and/or judicial education courses totaling 24 hours, two of which must be devoted to ethics studies, every two years.

As prescribed by the Executive Probate Judges Council, probate court judges must complete 20 hours of initial training and 15 hours of continuing education thereafter. By law, magistrate court judges must satisfactorily fulfill an initial 40-hour training requirement (attorney magistrates are exempt) and attend an annual 20-hour recertification course. Superior court clerks are also required to complete 40 hours in basic certification and 15 hours in recertification training courses.

During FY 1989, ICJE offered its traditional calendar of annual and semiannual training events, including programs for workers' compensation judges and administrative law judges of executive branch agencies, which were first conducted in FY'88. The biannual topical specialty course was replaced with preservice orientation courses for newly elected superior, state, and probate court judges. (The table on page 37 lists the Institute's FY 1989 state-based activities, identifying the constituent group served, the course site, the date, and the number of attendees for each program.)

In March 1989, the Institute introduced continuing education to magistrate court clerks when it conducted its second intrastate satellite teleconference. Training materials and a videotape were produced and distributed to each magistrate court to be used for new clerk orientation.

ICJE also created a videotape examining judicial ethics and discipline, which featured a discussion of practices and rules among three members of the Judicial Qualifications Commission.

Other program highlights included teacher training courses for faculty who serve probate court judges, juvenile court judges, and superior court clerks. A new course, developed and tested with support from a State Justice Institute grant, focused on trial court writing. Upon completion of this project, a tested and revised curriculum was distributed to every judicial education program in the country.

Faculty of Georgia's accredited law schools (Emory, Georgia State, Mercer, and the University of Georgia) donated valuable instruction time to ICJE programs. However, superior court judges continued to perform the bulk of instructional duties throughout the year, as they guided the instruction of mandatory evidence courses for magistrates and served as instructors for workers' compensation judges and administrative law judges.

The Institute sponsored persons attending out-of-state training programs held by nationally recognized judicial education agencies. Thirty-five of 44 applicants were granted some financial aid (usually 80% of costs) to attend nationally-based training in FY 1989. Approval was granted for training at the National Judicial College, the Institute for Court Management, the American Academy of Judicial Education, and for programs sponsored by the National Council for Family and Juvenile Court Judges. Institute funds supported the out-of-state training of fifteen superior court judges, three state court judges, four juvenile court judges and referees, three court administrative personnel, one deputy clerk, five probation personnel, and two others.

In FY 1989, the state legislature appropriated $570,368 to ICJE, a 20% increase over FY 1988 funding. The budget included these allotments: $20,000 to superior court judges for nationally-based education; $124,862 to the Magistrate Courts Training Council for administration and for training magistrate court judges and clerks; and $425,506 for administration and continuing operations of ICJE, including a new conference facilitator position. ICJE was able to reimburse mileage expenses for

about half of its program participants.

Executive Director Richard Reaves was honored for his service and leadership as president of the National Association of State Judicial Educators from 1986 to 1988.

Members of the ICJE board of trustees primarily represent client groups of state courts and judicial organizations. The board includes one Court of Appeals judge; two members of the Council of Superior Court Judges; one member from each of the councils of state, juvenile, probate, and magistrate court judges; one representative of the Superior Court Clerks Association; one member each of the State Bar of Georgia and the Judicial Council; and five ex officio members, including the immediate past chairpersons of the Institute's board of trustees and the board of trustees of the Institute of Continuing Legal Education, and the deans of the state's four accredited law schools. A liaison member representing the Supreme Court and an advisory member also serve on the board.

Institute of Continuing Judicial Education
FY 1989 State-based Instructional Activities

Program	Location	Date	Attendees
20-Hour Recertification Course for Magistrate Court Judges	Athens	July 6-8, 1988	52
20-Hour Recertification Course for Magistrate Court Judges	Marietta	July 20-22, 1988	47
Superior Court Judges Summer Seminar	St. Simons Island	July 24-27, 1988	80
20-Hour Recertification Course for Magistrate Court Judges	Savannah	August 3-5, 1988	46
Trial Supervision by Lawyer Magistrates	Athens	August 21-26, 1988	23
40-Hour Basic Course for Magistrate Court Judges (Civil)	Athens	Sept. 7-9, 1988	30
Juvenile Court Judges Fall Seminar	Thomasville	Sept. 28-30, 1988	57
Fall Seminar for Administrative Law Judges	Athens	October 3-5, 1988	52
Juvenile Court Probation Officers Fall Seminar	Columbus	October 5-7, 1988	72
Faculty Development Seminar	Athens	October 23-25, 1988	7
Superior Court Judges Fall Seminar	Athens	October 26-28, 1988	119
State Court Judges Fall Seminar	Pine Mountain	Nov.30-Dec.2, 1988	55
Superior Court Clerks Fall Seminar	Savannah	Nov. 16-18, 1988	120
Probate Court Judges Fall Seminar	Savannah	Nov. 16-18, 1988	90
New Judges Orientation	Athens	Dec. 7-9, 1988	45
County Officers Association Training for Probate Court Judges and Superior Court Clerks	Atlanta	January, 1989	72
40-Hour Basic Course for Magistrate Court Judges (Criminal)	Athens	Feb. 15-17, 1989	72
Magistrate Court Clerks Seminar (satellite teleconference)	Athens, nine additional sites	March 30 & 31, 1989	228
Judicial Secretaries Seminar	Savannah	March 8-10, 1989	117
Workers' Compensation Judges Spring Seminar	Athens	March 20-22, 1989	24
Faculty Development Seminar	Athens	March 20-22, 1989	18
Superior Court Clerks Spring Seminar	Cordele	April 12-14, 1989	163
Probate Court Judges Spring Seminar	Athens	April 19-21, 1989	139
Corrections Facilities Tour	Macon	April 26-28, 1989	10
Juvenile Court Judges Spring Seminar	St. Simons	May 1-3, 1989	74
20-Hour Recertification Course for Magistrate Court Judges	Tifton	May 3-5, 1989	48
State Court Judges Spring Seminar	St. Simons	May 8-10, 1989	61
Juvenile Court Probation Officers Spring Seminar	Jekyll Island	May 10-12, 1989	133
20-Hour Recertification Course for Magistrate Court Judges	Athens	May 17-19, 1989	61
Juvenile Court Clerks Seminar	Macon	May 22-23, 1989	66
County Officers Association Training for Probate Court Judges and Superior Court Clerks	Jekyll Island	June, 1989	72
20-Hour Recertification Course for Magistrate Court Judges	Savannah	June 7-9, 1989	66
20-Hour Recertification Course for Magistrate Court Judges	Forsyth	June 21-23, 1989	40
Judicial Writing Workshops	Various sites	Various dates	12

Judicial Administrative Districts

The Judicial Administration Act of 1976 established ten judicial administrative districts in Georgia and created district councils, composed of all superior and senior superior court judges within the respective districts. These ten regional councils elect administrative judges who serve on the Council of Administrative Judges, which was formed to provide unified administrative rules and continuity of operation among districts. Each administrative judge selects a district court administrator to serve as staff for the judges of the district.

Under the guidance of the administrative judges, the district court administrators were involved in a number of activities in fiscal year 1989. The collection and evaluation of data relevant to the operation and management of the superior courts were continued. Detailed lists of open cases were prepared for the superior court judges in each of Georgia's 159 counties. Support was provided for the administrative judges by the authorization and assignment of judges within the districts, and judges were secured from inside individual districts to serve elsewhere at the request of other administrative judges and the Governor.

The district court administrators functioned as the liaison between the superior courts and local governmental officials, court personnel, various components of the criminal justice system, interested citizens, and others on the local, state, and regional level. The district administrators also assisted chief judges in the preparation, presentation, and management of local court budgets. A number of innovative circuitwide budgets were formulated and administered by the districts during the fiscal year. Additionally, personnel policies and procedures for local court systems were developed, and the district court administrators screened and interviewed applicants for trial court administrator, law clerk, court reporter, and other court support positions.

District staff served as the local resource for information on educational programs and activities for superior court judges and other judicial support personnel. Orientation sessions for jury commissioners and seminars for courtroom bailiffs were conducted on a local basis. District court administrators provided assistance in several statewide training programs for judicial personnel.

District staff assisted chief judges and clerks in local jury management projects and coordinated jury management services provided by other court agencies and vendors. Jury selection was automated in many circuits during the last fiscal year. Technical assistance was provided for the revising of county jury boxes.

As specified by the Uniform Rules for the Superior Courts and authorized by the chief judges, district staff conferred with attorneys, media representatives, court staff, law enforcement personnel, and the general public regarding court activities. These efforts included the preparation of news releases, speeches for civic groups, and educational programs and other public relations activities deemed appropriate by the administrative judges.

The district court administrators advised local courts on records management issues, assisted in the development of records retention schedules, and coordinated records management or technical assistance services provided to local courts by other state agencies and vendors. Major emphasis was placed on the computerization of court records in counties with sufficient resources. District personnel were involved in efforts to establish a statewide computer network for the clerks of superior court.

The administrative judges authorized assistance to individual circuits, bar associations, and governmental units in the establishment, funding, and management of local indigent defense programs. Several district court administrators served on county and circuit tripartite committees within their districts, and district personnel provided administrative support to other programs.

The district court administrators prepared grant applications, managed grant programs, and evaluated funded projects in order to provide assistance to local trial courts and assist local governments in meeting the needs of the superior courts. District staff consulted with local trial courts about space and facilities management, including their serving as liaison for architects and contractors during the construction and renovation of courthouses.

District court administrators assisted in the development of projects on arbitration, mediation, video arraignment, court delay reduction, and alternative sentencing. District court personnel aided superior court judges in dealing with local jail overcrowding problems. Studies of court systems and evaluations of court programs were conducted upon the request of local officials. Public policy concerns about using DNA "typing" in the courts were also addressed.

At the direction of the administrative judges, the district court administrators were involved in staff support of special projects and committees of the Council of

Superior Court Judges, the Judicial Council of Georgia, the Criminal Justice Coordinating Council, and other court related groups. District court administrators serve on the Criminal Justice Coordinating Council, the Judicial Council's Jury Standards Committee, and other local, state, and national organizations concerned with judicial administration.

Judicial Nominating Commission

The Judicial Nominating Commission assists the governor in appointing highly qualified persons to judicial office by soliciting nominations for judgeships filled by gubernatorial selection. The nominating procedure is often undertaken to fill judicial vacancies, although nominations may also be processed in designating candidates for newly created judgeships.

Certain qualifications must be met prior to consideration of any candidate for judicial office. While the prerequisites vary according to the type of court, most candidates must meet a residency and age requirement. Judges of appellate and superior courts must have maintained an active membership in the state bar for seven years, and state and juvenile court judges must be admitted to practice law in the state for at least five years. Qualifications for all judges are specified either in the state constitution or in pertinent statutes (see reviews of specific courts on pages 1-26, for more detail).

The commission begins the selection process by seeking nominations from local individuals and leaders among the civic and legal communities. The commission members evaluate candidates based on a questionnaire concerning their qualifications and a legal article or brief that each candidate has written. The nominees are then investigated through interviews with attorneys familiar with them and by personally interviewing the candidates themselves.

The nominating body held five meetings in FY 1989 to consider candidates for eight judicial offices, including two new superior court judgeships, five superior court vacancies, and one state court vacancy. Since 1973, the commission has acted on a total of 175 judgeships, including:

- 10 Supreme Court vacancies
- 12 Court of Appeals vacancies
- 106 superior court offices
- 43 state court posts
- 2 municipal court judgeships
- 2 civil court vacancies.

Originally created by executive order of former Governor Jimmy Carter and continued in the same manner by succeeding governors, the commission is composed of ten members. Five are persons appointed to serve a term concurrent with that of the appointing governor, and the other five are or have been elected officers of the state bar, including the president, two successive past presidents, and the president-elect and president of the younger lawyers section.

Judicial Qualifications Commission

The Georgia Constitution empowers the Judicial Qualifications Commission to respond to inquiries from judges regarding appropriate judicial conduct, to direct investigations into complaints involving members of the state judiciary and, when it deems necessary, to hold hearings concerning allegations of judicial misconduct.

Grievances involving judges are almost always initiated by a written, verified complaint, although the commission may act upon its own motion in cases where it considers such action appropriate. Alleged violations of misconduct or protests against judges must be based on one of the seven canons of the Code of Judicial Conduct, last revised March 15, 1984. Grounds for action include: (1) willful misconduct in office; (2) willful and persistent failure to perform duties; (3) habitual intemperance; (4) conduct prejudicial to the administration of justice which brings the judicial office into disrepute; and (5) disability which seriously interferes with the performance of judicial duties and which is or is likely to become permanent.

If, following acknowledgement and review of a complaint, the commission finds that it raises questions or justifies further action, the judge is sent a copy of the complaint or a synopsis of matters to be investigated and is given reasonable opportunity to make an oral or written statement either personally or through counsel. If the judge responds satisfactorily to the complaint, it is disposed. The commission may make an initial inquiry and may authorize a preliminary investigation of the

Synopses of FY 1989 JQC Opinions

Opinion 124: After a judge or a candidate has made the decision to run for election or re-election he is "a candidate for election or re-election" within the meaning of subsection A(2) of Canon 7 and if he is acting on his own behalf pursuant to this purpose, he may attend a fund raising for a partisan nonjudicial candidate or an "appreciation dinner" for a friend who is retiring from the General Assembly, provided he complies with the restrictions imposed by Opinion 83.

Opinion 125: It would not be appropriate for a judge to participate in a "board of ethics" with the duty of hearing complaints of violations of an ethics code and making investigations and recommendations with respect to matters which may ultimately come before them.

Opinion 126: There is no legal or ethical problem with the appointment of an attorney who holds and retains a state bar office, such as president or secretary, to a judicial position, such as state or superior court judge.

Opinion 127: An associate magistrate is not disqualified to represent a client as his attorney because the opposite party has filed numerous civil actions in the magistrate court where the associate magistrate is a presiding judge.

Opinion 128: A judge is not automatically required to disqualify in a case because his spouse is employed as a secretary by a firm which represents one of the parties in the case but, if the circumstances are such that his impartiality "might reasonably be questioned," he should disqualify.

Opinion 129: A judge should not serve as a member of a county executive committee of the Democratic Party for the reason that as such he would be both a leader and an office holder in a political organization in violation of Canon 7A(1).

Opinion 130: If the terms are reasonable and fair, a newly appointed judge, who upon withdrawing from his former firm has arranged for them to pay him certain guaranteed payments plus a percentage of fees generated in certain contingent cases would not be required to disqualify but, if the judge entertains doubt as to his impartiality, or, if under the circumstances his impartiality might be reasonably questioned by others, it would be his duty to recuse himself. In any event, as long as the debt remained outstanding, the judge should make full disclosure.

Opinion 131: It is not inappropriate for candidates to state their political party affiliation and offices they have held in partisan organizations in either partisan or nonpartisan elections. The candidates may also attend partisan political functions and seek the support/endorsement of these organizations but they may not, in either partisan or nonpartisan elections, represent that they are qualified, or better qualified, because of their political party affiliations.

Opinion 132: It is not inappropriate for a convicted drunk driver to be required to meet for stated periods with a panel of victims of drunk drivers, provided such appearances are properly supervised, nor is it inappropriate for the judge to establish and administer such a panel, provided that so doing does not interfere with the proper performance of his/her judicial duties.

Opinion 133: After a judge has been listed along with other council leaders in a letter in which numerous people were invited to attend a breakfast meeting, the purpose of which was to solicit contributions to the Boy Scouts which followed closely on a request for assistance by way of time and money in meeting a goal to raise $5 million. It was not appropriate for a judge to continue to serve as chairman of the district council.

judge's conduct or condition to determine whether formal proceedings should be instituted and a hearing held.

After a formal hearing, the commission may recommend to the Supreme Court the removal, discipline, or retirement of a judge. The Supreme Court makes a final decision whether to accept, reject, or modify the commission's recommendation about a particular judge. A 1985 amendment to the constitution further provides that a judge who has been indicted for a felony may be suspended from office, pending final disposition of the case or until expiration of the term of office, whichever occurs first, if the commission concludes that the indictment relates to and adversely affects performance of the judge's official duties.

At its 11 regular meetings in fiscal year 1989, the commission resolved 132 complaints and requests for opinions of the 156 new matters filed and 16 pending from FY 1988. At the end of the year, 40 issues remained pending.

One hundred seventeen complaints were disposed for the following reasons: (a) dismissed as frivolous, unfounded, unsupported, or appropriate for appeal (107); (b) judge privately reprimanded (6); (c) judge defeated after complaint filed or term expired (2); (d) judge suspended (1); (e) judge publicly reprimanded (1).

The commission held hearings on formal proceedings against three judges. One was suspended without pay for 30 days. A public reprimand, accepted by the Supreme Court, was recommended for another judge who violated the Uniform Rules for the Superior Courts and Canon 2A. The third judge filed the statutory bond required by law and the complaint was not further pursued. Six judges were privately reprimanded for violation of the canons.

The known sources of FY 1989 complaints included 105 litigants or their relations, 9 judges, 8 non-litigants, 6 attorneys, 5 anonymous individuals, 2 public officials or officers, and 2 others.

The commission received 16 requests for advisory rulings during the year. Ten formal opinions and 2 informal opinions were rendered, while 4 applications for opinions were denied.

The seven-member commission operates under procedural rules revised as of May 1, 1985. All proceedings of the commission are confidential, with the exception of notice of a formal hearing, formal hearings, reports recommending discipline, and decisions after a hearing in which a judge was found not guilty of misconduct.

The members of the commission include two judges of courts of record appointed by the Supreme Court, three attorneys named by the Board of Governors of the State Bar of Georgia, and two citizens selected by the governor. A director and an investigator serve as the commission's staff.

Superior Courts Sentence Review Panel

Georgia's Superior Courts Sentence Review Panel has operated since 1974 to review defendants' sentences to assure they are not excessive in relation to other sentences for similar crimes. In comparing sentences, the panel considers the nature of the crime and the defendant's prior criminal record.

Cases subject to the panel's jurisdiction are those sentences totaling five or more years set by a superior court judge without a jury, sentences set in misdemeanor cases, and murder cases where a life sentence has been applied. The panel retains the authority only to reduce sentences and is statutorily prohibited from increasing punishments, reducing sentences to probation, or suspending any sentence.

The Sentence Review Panel reviews sentences upon application of a defendant who must act within 30 days of the date on which the sentence was assessed by the superior court judge, or after the remittitur from the Court of Appeals or Supreme Court affirming the conviction of the sentencing court, whichever occurs last. The application for sentence review must be transmitted to the panel within 10 days of its filing, along with copies of any pre-sentence or post-sentence report. Both the defendant and the district attorney have the right to present written argument relative to the harshness or justification of the sentence.

A defendant may not file more than one application for review of a sentence, and the panel's action reducing or declining to reduce a sentence is not reviewable. Panel orders relating to an application are binding on the defendant and the superior court which imposed the sentence.

The panel affirmed 1,889 cases and reduced 74 cases in FY 1989, for a total caseload of 1,963. The reduction rate for the year was 3.77 percent.

In the last quarter of FY 1989, the cumulative reduction rate decreased further to 5.04 percent (for all 25,209 cases considered by all panels), down from 5.15 percent at the end of fiscal year 1988. Listed above is a summary of the panel's caseload for FY 1989 along with a ten-year comparison of cases reviewed by the panel.

The Sentence Review Panel meets in two concurrent panels, each composed of three superior court judges. Panel members are appointed and chairpersons are designated by the president of the Council of Superior Court Judges to serve three-month terms. A supernumerary member is also appointed for each term and is authorized to substitute for any member who cannot attend a meeting or who is disqualified.

An administrative board of three judges maintains continuity between the various panels. The board prepares an annual budget, considers revisions to the panel's procedural rules, and supervises the activities of the clerk and support staff.

Superior Courts Sentence Review Panel Caseload Summary

FY 1989 Caseload

	Cases Affirmed	Cases Reduced	Cases Reviewed	Percent Reduced
Panel 57	614	22	636	3.46%
Panel 58	385	14	399	3.51%
Panel 59	293	15	308	4.87%
Panel 60	597	23	620	3.71%
Total	1,889	74	1,963	3.77%

10-year Comparison of Cases Reviewed

	Cases Affirmed	Cases Reduced	Percent Reduced
FY 1980	1,228	90	6.83
FY 1981	1,542	145	8.60
FY 1982	1,846	136	6.86
FY 1983	2,359	88	3.60
FY 1984	2,335	119	4.85
FY 1985	2,137	100	4.47
FY 1986	1,769	67	3.65
FY 1987	2,485	63	2.47
FY 1988	2,273	87	3.69
FY 1989	1,889	74	3.77

Judicial Personnel Changes: FY 1989

Appointments

Superior Courts

Alcovy Judicial Circuit
Marvin W. Sorrells for term 9/1/88 to 1/1/89.
Appalachian Judicial Circuit
Elizabeth R. Glazebrook for term 7/1/88 to 1/1/91.
Rome Judicial Circuit
Walter J. Matthews for term 8/25/88 to 1/1/91.
Stone Mountain Judicial Circuit
Robert P. Mallis for term 7/1/88 to 1/1/91.
Tallapoosa Judicial Circuit
F. Marion Cummings for term 11/22/88 to 1/1/91.

State Courts

Clayton County
John C. Carbo, III for term 7/1/88 to 12/31/90.
Fulton County
Melvin K. Westmoreland for term 9/20/89 to 1/1/89.

Juvenile Courts

Chattooga County
Wm. Jerry Westbrook for term 1/1/89 to 1/1/93.
Colquitt County
William C. Peters for term 8/7/88 to 8/6/92.
Dougherty County
Herbert E. Phipps for term 1/1/89 to 12/31/92.
Meriwether County
David J. Turner, Jr. for term 11/1/88 to 10/31/92.
Walton County
George J. Hearn, III for term 10/13/88 to 10/13/92.

Chief Magistrates

Charlton County
Kile McDowell for term 9/1/88 to 12/31/88.
Dougherty County
T. Lee Bishop, Jr. for term 1/1/89 to 12/31/93.
Jefferson County
Lanora O. Hutchinson for term 10/31/88 to 12/31/88.
Montgomery County
Johnnie C. Thigpen for term 1/1/89 to 1/1/93.

Elections

Superior Courts

Atlanta Judicial Circuit
Leah Sears-Collins for term 1/1/89 to 1/1/93.
Edward H. Johnson for term 1/1/89 to 1/1/93.
Chattahoochee Judicial Circuit
William J. Smith for term 1/1/89 to 1/1/93.
Flint Judicial Circuit
E. Byron Smith for term 1/1/89 to 1/1/93.
Rome Judicial Circuit
F. Larry Salmon for term 1/1/89 to 1/1/93.

State Courts

Chattooga County
Carlton H. Vines for term 1/1/89 to 1/1/93.
Colquitt County
Frank D. Horkan for term 1/1/89 to 1/1/93.
Coweta County
Guerry R. Thornton for term 1/1/89 to 1/1/93.
Elbert County
Robert A. Johnson for term 1/1/89 to 1/1/93.
Fulton County
Dorothy J. Vaughn for term 1/1/89 to 1/1/93.
Jackson County
David Motes for term 1/1/89 to 1/1/93.
Spalding County
Timothy C. Cramer for term 1/1/89 to 1/1/93.

Probate Court

Baker County
Virginia Collins for term 1/1/89 to 1/1/93.
Bartow County
Mitchell Scoggins for term 1/1/89 to 1/1/93.
Bibb County
William J. Self, II for term 4/12/89 to 1/1/93.
Butts County
Vicki W. Johnston for term 1/1/89 to 1/1/93.
Carroll County
Wilma Jo Wilson for term 1/1/89 to 1/1/93.
Dougherty County
Joe S. Champion for term 1/1/89 to 1/1/93.
Douglas County
James T. Baker for term 1/1/89 to 1/1/93.
Houston County
Frances Annis for term 1/1/89 to 1/1/93.
Lanier County
Judy B. Mullis for term 1/1/89 to 1/1/93.
Macon County
Mack S. McCarty for term 1/1/89 to 1/1/93.
McDuffie County
Albert E. Wells for term 1/1/89 to 1/1/93.
Oconee County *
David Anglin for term 1/1/89 to 1/1/93.
Sumter County
Florence Heath for term 1/1/89 to 1/1/93.
Taliaferro County *
Lois A. Richards for term 1/1/89 to 1/1/93.
Washington County
Rachel T. Lord for term 1/1/89 to 1/1/93.
Wheeler County *
Mackie Simpson for term 1/1/89 to 1/1/93.
Wilcox County
Betty J. Anderson for term 1/1/89 to 1/1/93.
Wilkes County
Jim Burton for term 1/1/89 to 1/1/93.

Chief Magistrates

Bacon County
Diane Carter for term 1/1/89 to 1/1/93.
Banks County
Henry D. Banks for term 1/1/89 to 1/1/93.
Barrow County
Terri Russell for term 1/1/89 to 1/1/93.
Bartow County
Harry F. Brown for term 1/1/89 to 1/1/93.

* Also serves as chief magistrate.

Catoosa County
David L. Carlock for term 1/1/89 to 1/1/93.
Clarke County
John M. Coleman for term 1/1/89 to 1/1/93.
Clay County
Judy Cooper for term 1/1/89 to 1/1/93.
Clinch County
Annie Ruth Steedley for term 1/1/89 to 1/1/93.
Columbia County
David L Huguenin for term 1/1/89 to 1/1/93.
Coweta County
Francis K. Reno for term 1/1/89 to 1/1/93.
Dodge County
Charles E. Nelson for term 1/1/89 to 1/1/93.
Fannin County
Ronald L. Newton for term 1/1/89 to 1/1/93.
Gilmer County
Cheryl Barclay for term 1/1/89 to 1/1/93.
Gordon County
Max Fuller for term 1/1/89 to 1/1/93.
Haralson County
Mark Murphy for term 1/1/89 to 1/1/93.
Heard County
Kathy C. Knowles for term 1/1/89 to 1/1/93.
Irwin County
Paula Daniels for term 1/1/89 to 1/1/93.
Jefferson County
Murry Bowman for term 4/12/89 to 12/31/93.
Lanier County
Georgia M. Williams for term 1/1/89 to 1/1/93.
Liberty County
Melinda Anderson for term 1/1/89 to 1/1/93.
Macon County
Linda S. Rodgers for term 1/1/89 to 1/1/93.
Murray County
Steve Hampton for term 1/1/89 to 1/1/93.
Muscogee County
Haywood Turner, III for term 1/1/89 to 1/1/93.
Stephens County
Dale Smith for term 1/1/89 to 1/1/93.
Stewart County
William M. Green for term 1/1/89 to 1/1/93.
Sumter County
J. W. Southwell for term 1/1/89 to 1/1/93.
Tattnall County
Susie W. Rowland for term 1/1/89 to 1/1/93.
Taylor County
Ronnie A. Parker for term 1/1/89 to 1/1/93.
Twiggs County
Richard A. Carter for term 1/1/89 to 1/1/93.
Webster County
Lorraine Ellington for term 1/1/89 to 1/1/93.

Judicial Elections and Appointments (July 1, 1988 to June 30, 1989)

Court	Total number judgeships [a]	Method of Selection: Elected	Appointed	New judgeship	Total judges beginning first terms
Supreme Court	7	-	-	-	-
Court of Appeals	9	-	-	-	-
Superior Courts	143 [b]	5	5	6 [c]	16
State Courts (Full and part-time)	84	7	2	1	10
Juvenile Courts (Full and part-time)	51	-	5	-	5
Probate Courts	159	18	-	-	18
Magistrate Courts (Chief Magistrates)	159	33	4	-	37

[a] As of June 30, 1989.
[b] Although 143 superior court judgeships had been allocated by the end of the year, only 137 had been filled.
[c] Appointments for these new judgeships were suspended pending the outcome of a voting rights lawsuit filed in July 1989.